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## PROCEEDINGS OF THE ROUND TABLE CONFERENCE ON LIBRARY PROBLEMS HELD AT THE THIRTY-SIXTH ANNUAL MEETING OF THE ASSOCIATION OF AMERICAN LAW SCHOOLS, CHICAGO, ILLINOIS, DECEMBER 29, 1938\*

THE Round Table Conference on Library Problems, held in connection with the Thirty-Sixth Annual Meeting of the Association of American Law Schools, December 29-31, 1938, at the Stevens Hotel, Chicago, convened at eight-fifteen o'clock on Thursday evening, December 29, Mr. Lewis W. Morse, Law Librarian of Cornell University, presiding.

CHAIRMAN MORSE: Ladies and gentlemen, with your permission, we will get under way. We have a full program and we want to allow as much time as possible for discussion. The topic we have chosen is the problem of the small law library. We realize that today the small law library has a colossal task in maintaining itself and in purchasing a selected number of books amid the thousands of books which are offered for sale. We thought that this would be an interesting subject not only because of its importance but also because the larger law libraries have been discussed heretofore. We have felt that the larger law libraries are out of the reach of most of us and are more or less museums compared to our smaller collections; that the problems closer to our hearts are our own. Some of the questions we ask ourselves are which books should we eliminate or must we eliminate and how are we going to operate on the small appropriation which we have to use?

In order to introduce our problem more specifically, our first speaker, Dean Elvin E. Overton of Mercer University Law School, will tell us how his library operates on a very modest appropriation, as being an example and representative of the smaller law libraries.

We invite discussion from the floor; in fact, we are depending upon it because our speakers are not going to deliver formal addresses. It will be their purpose to lead the discussion on these problems and we request that those in

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"... the Editor of the LAW LIBRARY JOURNAL be authorized to publish the papers to be given at future Round Tables on Library Problems of the Association of American Law Schools in the LAW LIBRARY JOURNAL and to continue the program of publishing them until such time as the Association of American Law Schools may see fit to publish them in its own HANDBOOKS." 28 L. LIB. J. 97-98. For papers given at previous Round Tables see 28 L. LIB. J. 3, 51, 64, 67; 29 L. LIB. J. 7, 13, 15; 30 L. LIB. J. 1—Editor's note.

attendance interrupt the speakers at any time with a question. We welcome discussion and earnestly request it.

I take great pleasure in introducing our first speaker, Dean Overton of Mercer University.

### SOME PROBLEMS OF A SMALL LAW LIBRARY

ELVIN E. OVERTON

*Dean, Mercer University Law School*

THE picture that we have at Mercer University is a small denominational college of a total enrollment of about five hundred in the university and a law school enrollment that is up this year to a new high of forty-two students. The minimum budget allowance for the library itself is \$2,000. Since I have been at Mercer only six years I cannot tell you what the allowance is for equipment because we have not had any to speak of. I think a small amount of money would be available for equipment if we had to have it badly, but, as I say, I have been there only about six years and we have not needed it badly enough yet.

Some problems of a small law school library should really be called, as far as we are concerned, *the* problem of a small law school library because our sole problem is limitation of funds and how to overcome it. One of our librarians a year or so ago had a solution that seemed rather good to him. He used it in his personal budgeting and it worked very nicely. After a trial period, though, he realized that there was some inherent difference between personal budgeting and library budgeting and he had to give it up. The plan was quite simple. It merely amounted to not paying the bills. He finally realized that it would not work and at the end of the year he got in his vouchers in time for the close of the fiscal year.

So we have to pay bills, apparently; we cannot get out of it. But our problem is not the old problem of making two dollars grow where one grew before. Our problem is fundamentally making one dollar grow where none grew before. Of course, we have recourse to the ordinary and more or less orthodox steps which I am sure Mr. Morse will speak to you about later on in his paper, but a few of them we have worked out for ourselves, although most of them are orthodox.

For instance, we do have the advantage—which I understand some schools do not<sup>1</sup>—of securing full credit for all discounts available for cash purchases. Apparently, the university has never conceived the idea of saving something on its budget by giving us \$2,000 and taking the discount itself.

More than that, we find that our alumni and friends are, apparently, unusually conscious of the needs of the law school for books. We have received a considerable number of gifts in the past. Some of them, of course, are less

<sup>1</sup> See Orman, *Book Buying and Bookkeeping* (1938), 31 L. LIB. J. 296 at 298-299, especially note 2.—Editor's note.

than worthless as you all know, but many of them are quite valuable. Last year, entirely unsolicited gifts produced 580 volumes, including a set of United States Supreme Court Reports. Of these 580 volumes, 475 volumes (an unusually good percentage) were thought to be suitable for use in the library. The remainder were stored in the attic for various uses. Some day we hope to be able to exchange some of them. Some time, some of them will become important, or we will discover they had some inherent importance we were not aware of.

We have not developed our exchanges as we should, primarily because of lack of personnel in the library. We hope that next fall things will be different, but at the present time the library is run, under the supervision of one faculty member, with two student assistants. Consequently, any elaborate communications for exchange purposes are not available to us.

In that connection it seems to me that one of the projects we should discuss this evening is the possibility of a plan for a clearing house or a central bureau of some sort to let other libraries know what the various libraries have for exchange purposes. I am sure, for instance, that we have a good many books—Georgia Bar Association Reports, Attorneys General Reports, and additional copies of certain Georgia Statutes—which other libraries of the country would like to have, and I am sure that other libraries have duplicates which we would be glad to receive. So I suggest, as one of the problems that we have not developed completely, the problem of working out a clearing house, some sort of bureau to handle the exchange problem.

In connection with the exchange problem, we do not have available a law review to exchange as some schools do. Therefore, we have to buy all of our law reviews. I would like for someone to tell me about the possibility of discounts in buying all our law reviews from a wholesale firm. I have heard that there is some such plan, and even if it saves only twenty cents on one periodical it is worth looking into.

As I have indicated, all of our problems relate to the saving of money. In that connection we are very careful to avoid duplications. Duplications can be avoided in many ways, the most obvious of which is not to buy a set of books that squarely duplicates another set. We were tremendously put out a few months ago to realize that we had continued our subscription to the Illinois Appellate Reports after the cases had begun to appear in the North Eastern Reporter.<sup>2</sup> That bothered us considerably because we were spending \$4.00 a volume for something that we already had in the library.

Duplication must be avoided in a much less obvious but just as real a sense in an effort to avoid buying duplicate sets that cover the same material. The best illustration that occurs to me at the moment is the flood of books that appeared after the change in the Federal Rules of Civil Procedure. Numerous books were published. We could not possibly afford to buy more than one for

<sup>2</sup> Reported in the North Eastern Reporter beginning with volume 284 Illinois Appellate Reports (1936).—Editor's note.

our library and we had a real problem of selecting the one that we wanted, the one that would give us the most in all ways for the investment that we put into it. We could not afford to gamble and get two or three and see how much they overlapped. We had to determine as best we could how that overlapping would come in and then select, at our peril, one set.

We have to keep in mind continuously as one of our problems that we are a small law school library and that most of our students will practice in Georgia. That means we must give a great deal of consideration to selecting before we spend a lot of money for books on stock exchanges, banks and banking, and oil and gas law. There is a small amount of mining interests in the northern part of the state, we do have a few banks that survived the depression, and now and then somebody has a share of stock, but you may practice law in the state of Georgia a good many years and may not need any of those books. I am not saying that we never would buy one—we do have a very good set on stock brokers—but we must consider carefully before we spend any amount of money on such treatises as those because they may not be worth the investment as far as we are concerned.

As a consequence, many sets of books that are very fine, and particularly valuable to a practicing lawyer, are not worth a great deal to us when we consider that we are preparing a small number of law school students to practice in Georgia. Personally, I would rather have a good \$5 student text on negligence than I would a \$75 set of books on automobile law, and that is just one illustration of many. In other words, our problem of selection sometimes means that we get more out of a \$5 or \$10 book than we do out of a \$125 set because we are getting books for students who want to get a broad background for general practice and not as specialists in banking, insurance or any other special field.

Binding and repairing of books has always been a problem to us. It still is, although we have recently entered upon a project that we hope will solve part of that problem. The particular problem that arises is the fact that we cannot count binding of old books and repairing in our minimum of \$2,000.<sup>3</sup> Recently, however, the university librarian has agreed to undertake to teach our student librarians how to repair and bind books. If that works, we expect a real saving in budget expenses in the near future.

In that connection we have had to resort to what I consider an indirection, but none the less a valid practice, with reference to the binding and repairing of certain books. The Association ruling, I understand, is that you must spend the \$2,000 on new additions to the library and that, therefore, repairing and binding books already in the library is not within the \$2,000 expenditure. If someone gives us a set of books that need repairing, we are very careful to repair the books first and then put them in the library rather than put them in the library and then repair them, because if we put the books in the library after

<sup>3</sup> See Articles of Association, ASS'N AM. LAW SCHOOLS, HANDBOOK (1937), p. 370, Article 6, "... for additions to the library in the way of continuations and otherwise, there shall be spent over any period of five years at least ten thousand dollars, of which at least fifteen hundred dollars shall be expended each year."—Editor's note.

they are repaired we can classify them as new acquisitions, while if we put them in the library first we are not spending the repair money for new acquisitions. That is the sort of problem<sup>4</sup> we encounter all the time.

Another problem involves the ruling of the Association that we must secure the approval of the Executive Committee before we can count gifts as expenditures. The 475 books which we received by gift, with a very modest evaluation, would be quite a help to us. I wrote a letter about this to the Executive Committee over two months ago, and in checking up at the end of two months they said the letter had been lost and they would take it up at the next meeting. Their next meeting was yesterday, and I have not received confirmation as to how much they would allow us for these gifts.

The problem is to try to evaluate gifts. How much value do those gifts have to our library? A particular book that may be practically worthless to you may complete our set of Attorneys General Reports and thus be worth a good deal to us, or it may complete a set of Georgia Statutes or some other set, and for that reason alone it may be of some real value to us although not of any great value to anybody else.

We have discovered that certain techniques in buying books are our biggest help. "Watchful waiting" would be our rule-of-thumb, if we had to have one, on the buying of second-hand books. We have found that it pays remarkably big dividends.

A few years ago we were quoted a price of about \$1,000 for a set of New Hampshire Reports and a price somewhat above \$900 for an incomplete set of New Hampshire Reports. Last year a book seller came around with a set of New Hampshire Reports for \$500. He ended up by getting me to cash a \$10 check for him which bounced, but I had protected myself by getting an assignment of his commission until the check came through because I had heard of him before. So we got the set of New Hampshire Reports for \$500 and my check for \$10 was finally paid and everybody was happy. "Watchful waiting," therefore, saved 50 per cent of the purchase price of New Hampshire Reports, a \$500 saving, which on a budget of \$2,000 is more than considerable.

"Watchful waiting" always pays as far as we are concerned. A year or so ago we wanted a certain Georgia digest. You may remember that there were some peculiar fraud acts passed in Georgia dealing with some land over in the western part of the state and the subsequent legislature was very much disturbed because the original editors had put them in the digest. The legislature destroyed all the copies it could get its hands on. One copy was worth \$75. We "watchfully waited" because we did not have \$75. Last summer a lawyer—whose practice is not above or below the average—found he needed \$50 badly and he was more than glad to sell us the book for that amount. We saved 33⅓ per cent by waiting for that copy of the Georgia digest.

<sup>4</sup>For a further discussion of binding problems see Newman, *A Librarian's Approach to Problems in the Smaller Law School Libraries*, *infra* p. 78, espec. p. 88 and note 38(a).—Editor's note.

Two years ago we wanted four volumes of Acts of the Georgia Legislature to complete our set of Georgia Acts from the beginning down to the present. We were quoted a price of \$150 for those four volumes. We just waited, and finally a lawyer's estate had to be liquidated and we secured nine volumes of Georgia laws, including those four desired volumes newly bound, for the same \$150. Some of those new volumes I was able to exchange and pay back an old debt to a library that once had given us some volumes. So "watchful waiting" has been one of our big mainstays.

A similar problem involved an experiment that we engaged in, through necessity, with a cumulative service. During the worst of the depression we found it was impossible for us to keep up and maintain our current subscription to a certain cumulative service. This service had cost us about \$70 a year, but during the depression we had to stop our subscription. Then in 1935 we found that we had enough money to renew our subscription and we also discovered, much to our joy, that in the meantime they had printed some cumulative bound volumes which we could obtain for only \$75. For that amount we brought ours up to where we would have been had we continued our current subscriptions during the same period at an expense of \$350; in other words, "watchful waiting" paid us dividends again.

The other mainstay that we have is checking book lists from second-hand dealers. It is not a very interesting job and it can grow very wearisome at times, but if you have never tried it you will be surprised at the savings that can be effected. Just before I left the law school down in Macon before Christmas I thumbed through a half-dozen book lists for less than half an hour and I found the following differences in prices, all quoted on books in library condition. Of course, that phrase, I will admit, is very broad—"library condition" may cover everything from only one or two pages gone to very nice binding—but these different price ranges were in effect in a list of books that I collected at random. *Corpus Juris*, complete, 71 Volumes and all supplements—\$115, \$200, \$225, and \$245; a difference of 53 per cent saving in the lowest price over the highest. *American Digest System*, including the Third Decennial—\$325, \$375, and \$550; a saving of more than 40 per cent. In the same way I found *Keyes' New York Reports*, 4 Vols., all the way from \$3 to \$6; *Wharton, Conflict of Laws*, 3ed., 2 Vols., 1905, \$4 and \$9, a variation of 100 per cent; *Pomeroy, Equity Jurisprudence*, 4ed., 6 Vols., 1918, \$20 and \$50. Even our own local Georgia laws of 1861 were priced at \$45 and \$75, the former representing a saving of 46 per cent over the latter price.

In other words, just checking book lists will do wonders in buying second-hand books and I think you might be surprised at the saving in buying new books at times. Two years ago we found our codes and session laws were not what they might be and we had to spend a good deal of money to buy the larger sets. We had the Illinois statutes and some of the other large ones, but we also wanted to obtain additional state statutes to comply with the new ruling of the Association requiring that we have reasonably up-to-date editions of

statutes in one-fourth of the states. I got out the price lists and started studying and I found I could secure seven state codes—the newest codes available and recent codes, none earlier than 1935—for a total price of \$82.75. This means that price lists can be studied to your advantage both on new and on old books.

At times our efforts to save money and stretch these dollars fail and we still find that we must have a certain book. Then we resort to the plague or blessing of the working man and use installment buying. That has its disadvantages because we lose all cash discounts whenever we buy on installment, but when we do get some money we can anticipate the balance due and secure a 6 per cent discount on that. So there we eat our cake and have it, too. We secure some cash discount and at the same time the benefits of the installment buying.

Then we worry about some other problems. I am just going to mention these because they are typical of the sort of things that bother us. How on earth are we going to have a full time law librarian next September? I haven't the slightest idea yet. We will have one, but that is one of our problems to worry about.

How are we going to set up an adequate catalog for the books in the library? We have some books in the library I am not sure we know are there and I know we think we have some books that are not there. We discover that from time to time. Books were bought five or six or seven years ago and they just aren't there. I do not know where they are. Somebody may know. Sometimes former teachers have been known to borrow books negligently, but we have never been able to find many of them.

Then we wonder where we are going to find some money to improve the lighting system in the library. The law school is in a nice new building but the lights are up against the ceiling and I think it is pretty dark because I like very bright light when I study. The students get along all right, apparently, and I was up to my father-in-law's home last week and the lights were worse in his house than in the law library! It may be my idiosyncrasy, but I worry about the lights.

Then I worry about the floor for the law library. Before the law school was finished they ran out of money and they could not furnish covering for the floor, so we have a noisy floor.

So I worry about a lot of things, but usually I am just busy stretching dollars and we go along and have a grand time. [Applause.]

MR. MORSE: I was wondering about your periodicals. How many legal periodicals do you have?

MR. OVERTON: I cannot tell you offhand. Our legal periodical collection has been developed tremendously in the last three years. We have taken the bit in our teeth and gone out and spent our appropriation along about the first of December. I cannot name the periodicals that we purchased. We completed Pennsylvania back to 1900. We have completed our ILLINOIS LAW RE-

VIEW, which was incomplete. We have completed six or seven of the better known law reviews in the past three years.

MR. MORSE: Do you do that by purchase or by exchange?

MR. OVERTON: By purchase. Our exchange has been very small; single items that somebody would write in to us about. That seems to me to be very pertinent in connection with my suggestion for a central bureau for exchanges. I am sure we have many things down there, particularly in the attic, that some of you would like to have, and I know some of you have books and periodicals that we would like to have. We have complete sets of books. We have a very large assortment, not complete, of Georgia Reports.

MR. MORSE: We want to consider this discussion as perfectly informal. Just ask questions if you will.

PROFESSOR BENJAMIN F. BOYER (University of Kansas City College of Law): About what do your continuations cost a year?

MR. OVERTON: The minimum is \$720, the maximum is \$900 out of the \$2,000. It is between \$700 and \$900.

MR. BOYER: If you had complied with all of the Association requirements and your continuations were paid for, what next buying project would you enter on in building your library?

MR. OVERTON: We have very soundly met all Association requirements now, with much to spare, except textbooks. We comply with requirements in textbooks, we feel, and the Association has felt so too in their last investigation, but that is our weakest collection right now. The codes have been very well built up during the past five or six years. The law reviews have been strengthened. I believe we are one of the comparatively few schools in the Southeast that have all of the state reports to the National Reporter System, so our reports are very complete. Since our codes and law reviews are in pretty good shape our next effort will be directed entirely to text material. We do not duplicate except in case of our own state, Georgia. Aside from that we have no duplication that we can avoid.

MR. MORSE: What about that expensive set of Georgia statutes?

MR. OVERTON: We got started building up those statutes. Finally, we got to the place where we needed only four or five more and we thought it was worth considerable investment in order to add something unique that was not available in the state generally. My impression is very definitely that probably ours is the only library available to the lawyers of the state that does have every Georgia statute from the beginning.

MR. MORSE: I mean particularly that \$275 Georgia annotated code.

MR. OVERTON: You almost have to have the most recent code in your state even if you have to go without teachers!

MR. MORSE: I was wondering how the single volume code compared with that expense set.

MR. OVERTON: The thirty-four volume set is annotated and has cumulative supplements and keeps us up-to-date. That is the only difference. We had

to have that set, we felt; in fact, if we get a few dollars ahead we are thinking of going on another installment contract for a second set of the Georgia annotated code.

MR. MORSE: What do you do about Shepard's Citations?

MR. OVERTON: We keep them up as well as we can; as a matter of fact, Shepard's is the cumulative service I was talking about. We started our rotation plan on this. We subscribe for Northeastern one year and Northwestern another year and in that way keep up some cumulative volumes and will only be a few years behind each time.

MISS HELEN NEWMAN (The George Washington University Law School): Before we lose sight of Dean Overton's suggestion about a clearing house for exchanges, I would like to tell those here who do not already know of it that there has recently been established at the University of California Law Library an American Association of Law Libraries' Book and Periodical Exchange. That office will serve as a clearing house to apprise the librarians throughout the country of duplicate material in the different libraries. Of course, they will not attempt to handle the actual exchanges of the books and periodicals out there. The Exchange will let each patron know what library has the duplicate material wanted. The exchanges will then be made between the individual libraries themselves. Each law library is urged to send in to the University of California Law Library a list of their duplicate materials, together with a list of their wants. Notices about the Exchange have appeared in the *LAW LIBRARY JOURNAL*<sup>5</sup> but I imagine a good many do not know of it. An Exchange has now been set up, they are ready to operate and they urge all of you to send your lists in so that they can really get started on a reasonably large scale. There will be no charge at all; in fact, it is not necessary to be a member of our law library association in order to participate in the Exchange. It is a service we would be glad to render to all of the law librarians and to the law schools and we would be glad to have you participate.

DEAN THOMAS C. KIMBROUGH (University of Mississippi School of Law): Dean Overton, I believe you made the statement that the expenditures for binding would not fall within the \$2,000 minimum under the Association requirements. I think that will stimulate some discussion, for this reason: Suppose you have a gift of old books which need binding, and by binding them you have some very good books and you have increased very much the value of them.

MR. OVERTON: What we do in that case is to be sure not to accession the books before the books are repaired.

MR. KIMBROUGH: What do you do about binding of new books? Take this situation: The *MISSISSIPPI LAW JOURNAL* makes exchanges for other journals all over the nation and we get all of them. We have practically all sets now bound and complete up-to-date.

MR. OVERTON: The Association has ruled that expenditures for binding new law reviews may be counted as new acquisitions.

<sup>5</sup> See 31 L. LIB. J. 222, 262, 358 and 32 L. LIB. J. 21.—Editor's note.

MR. KIMBROUGH: We are using this plan for effecting economies at the University of Mississippi: We have secured the passage of laws by the legislature giving us twenty volumes of the official state reports and a like number of the session laws. We at once take those official reports and the session laws and make exchanges for codes, reports and for other books which other schools have, where they want the books we have. I do not know whether other schools are resorting to that or not but we are doing that in Mississippi.

MR. OVERTON: I think that is being done in several places.

DEAN HARRY R. TRUSLER (University of Florida College of Law): I would like to ask Dean Overton if he has a definite idea as to what is meant by keeping the state statutes "reasonably up-to-date." We have to do that. Do you know any way of doing it without buying them when they come out, yearly or every two years?

MR. OVERTON: My interpretation is only my own so please do not rely upon it. I figure that in some states a twenty-year-old code is reasonably up-to-date because in some states there has not been one for twenty years. If they come out in four or five years I think three years is reasonably up-to-date for us for Maine, for instance. None of our students and none of our practitioners will ever look in the Maine statutes and session laws and I think 1935 or 1936 is more than reasonably up-to-date as far as our purposes are concerned. I do not know how that would strike some of you.

We were quite annoyed some time ago to discover that one of the publishers assumed that when you ordered a code you ordered the cumulative service if you did not tell them otherwise. They sent them for two years. The librarian had stamped them and I could not send them back. I do not think we need cumulative services for a lot of the states.

DEAN HENRY B. WITHAM (University of Tennessee College of Law): How do you select the states whose codes you purchase?

MR. OVERTON: Certain states we must have no matter how much they cost. Other states we select on a cost basis. You can get codes as cheap as \$7 or \$9 or \$12, so we have two methods of selection: desirable states, and then cost.

MR. WITHAM: Do you try to get states surrounding Georgia?

MR. OVERTON: Definitely. Our first effort was to surround Georgia with as wide a band as we could and then pick out other representative states.

MISS NEWMAN: Mr. Chairman, I also would like to reply to Dean Overton's inquiry about placing your current periodical subscriptions through an agent. I investigated that this fall and I found that I could obtain them about \$40 cheaper on the total number through the Mayfair Agency in New York, which is a subsidiary of the Franklin Square Agency. I found also that I could save as much as \$140 a year by getting them through the subscription agency instead of by exchange with our law review. Of course, since you do not have a law review you would be interested just in the matter of the savings to you by placing your renewals with a subscription agency. The amount you can save depends on the number of periodicals you take, but I think you will find you

can get a substantial discount by placing all your subscriptions through an agency rather than by getting them direct.

CHAIRMAN MORSE: You are stealing my thunder. I was going to mention a subscription agency in Chicago that deals in wholesale subscriptions. We have found that by concentrating with one agency a considerable sum can be saved, plus the saving of a lot of detailed work in sending out orders and checks in payment of the individual subscriptions.

MR. OVERTON: How much can be done by writing to schools in other states to get a lower price on statutes and codes? If it can be done, is it considered ethical? For instance, certain codes are sold for one price within the state and a higher price outside the state. Is it generally feasible to get a school in another state to buy that code for you and send it to you?

DEAN ALVIN E. EVANS (University of Kentucky College of Law): I can answer in one respect. The Kentucky code costs us \$25 and \$32 outside of the state. I bought one set for the Harvard Law Library for \$25.

MR. MILES O. PRICE (Columbia University School of Law): In my library at Columbia we took the matter up and as a matter of ethics we decided it was such a rotten hold-up there were no ethics involved. Wherever we can find a dean or professor in a state school who is willing to buy that code and send it to us we go ahead and do it.

MR. WILLIAM B. STERN (University of Chicago Law School): The code of one state has a fixed out-of-state price of \$150. A dealer talked the matter over with the librarian of the supreme court library of that state, who sold the code with a discount to the dealer, and the dealer sold it to us for the amount of \$75, which we understand is the intrastate price.

MR. THEODORE A. JOHNSON (Chairman of the Book Committee of the Mahoning Law Library Association): I have bought books for the law library at Youngstown, Ohio, since March, 1907. Many years ago I solved the code question by submitting a list to the Lawyer's Cooperative Publishing Company, W. H. Anderson Company, Bobbs-Merrill Company and others. I wanted their price for codes of every state in the United States, and their price to keep them up-to-date. I turned the job over to one publishing house and haven't had any trouble since. I said, "You keep these codes up-to-date and send us the bills. Whenever your bills are too big, we will tell you."

CHAIRMAN MORSE: I think the same problem is involved in purchasing state reports as well as statutes. There is an in-state price in some states and a higher price out of the state. The same ethics are involved, I guess.

ACTING DEAN ROY M. LOCKENOUR (Willamette University College of Law, Salem, Oreg.): What do you think of the ethics of buying through your own university book stores? Our librarian at the university says it is unethical and he buys for the university direct, while in the law school we buy a great many books through the book store and get a discount. Is that ethical?

CHAIRMAN MORSE: I should think that the same problem would be involved. If we can make any saving I think it is really up to us, as long as we are

honest about it. I do not like to use the word "ethics" because I think it is our duty to make our dollars go as far as we can make them.

MR. EVANS: I suppose nearly every school has the experience that when some lawyer in the state dies his widow will write in and say, "I have a library and I want to sell it." That library will usually contain the state reports, and will also contain a number of books that are not worth anything at all. I have often had the opportunity to buy those reports at \$1.00 a volume, and sometimes even less than that. I did not have any immediate use for them myself and I would frequently send them over to students who might want them. I should think that might be one way of making these state reports available at a reasonable price to libraries. I keep a complete list of everything that comes in.

CHAIRMAN MORSE: That is a good suggestion, I think, of making a point of directing your request for state reports and statutes to a law school library in the state. Oftentimes you find a librarian who is very helpful and will save you a lot of money.

MR. WILLIAM S. JOHNSTON (Chicago Law Institute): I had an opportunity the other day in connection with the estate of a deceased member to bid upon the first 200 volumes of the Illinois Supreme Court Reports, with four or five missing. I promptly offered them 25 cents a volume and got them. Although we had six sets I took them because some of the volumes in the first 200 volumes of our sets are beginning to show bad wear and sometimes the paper itself is deteriorating and breaking. I shall use this new set to fill in volumes where they are needed.

This gentleman spoke about getting them for \$1.00 or a little less, but you will find that in many instances state reports are a drug on the market and I do not believe in offering too much.

If I may speak another word about ethics, unless there is a state statute or a rule of the supreme court of that state which governs somebody in the state who may want to buy a book for me at the in-state price and send it to me, I do not think there is any question of ethics involved. But if I send to another state and get a friend of mine to buy what I want at the state price and he violated some statute, law or rule of the supreme court, then I would not want him to attempt to help me because he might get himself into trouble and I do not want to be the source of that trouble.

That, to me, is the fundamental rule to decide the question as to the ethics of buying books. Otherwise, you ought to be able to buy what you want in the cheapest market and it is no concern of anybody as long as you have the price to pay as agreed upon.

CHAIRMAN MORSE: There is another way that can be worked out, too, I think. You can buy extra copies of your own state reports at your in-state price and deal with a person outside the state who can buy extra copies of reports or statutes in his state, and there is nothing to forbid your exchanging the duplicates, of course.

MR. JOHNSTON: I do that.

CHAIRMAN MORSE: That works out to the advantage of both, I think, in a good many instances.

DEAN CHARLES J. HILKEY (Lamar School of Law of Emory University): I would like to raise a question in this group. The state universities, of course, receive a number of the session laws and also of the state reports. Since we are talking rather privately here, I would like to know whether any of the private institutions receive a concession, too, of that kind.

CHAIRMAN MORSE: Generally, I would say no. Are there any exceptions?

MR. BOYER: We do at the University of Kansas City by statute of Missouri.

DEAN DALE F. STANSBURY (Wake Forest College, School of Law): The State of North Carolina furnishes five complete sets of the state reports to all of the law schools in the state, free.

MR. HILKEY: That is an even distribution among all of the schools of the state. That was what I was interested in especially, of course, in Georgia. Thank you.

MR. ALFRED A. MORRISON (University of Cincinnati College of Law): Mr. Chairman, I have a double interest in this discussion; first, from the standpoint of a librarian; second, from the standpoint of the editor of a legal periodical. I am in sympathy with your trying to get all of the discounts you can by placing your subscriptions with one agent or through a subscription plan, but I want to call this fact to your mind: most of the periodicals that are published by the universities are published at a cost far in excess of the nominal subscription charge so that if all of you are going to clique together here and try to beat the present nominal charges the editors may be forced to come back at you with an increased subscription price.

We have been very generous in dealing with agents, but agents cannot afford to handle our magazine unless we give them a discount and we give all of the agencies a fifty cent discount on a year's subscription. They in turn are splitting profits, so to speak, with you librarians and, therefore, you are able to get club rates.

I do not know what we are going to do if all subscriptions come in through agents. The only thing we can do is to raise our subscription price and, therefore, you will not be saving anything in the end.

MR. JOHNSON: I happen to be from Ohio and subscribe to the UNIVERSITY OF CINCINNATI LAW REVIEW. I am just wondering why these folks that want us to pay the full price are offering them for less money to somebody else. We pay the full price for a subscription. I did not know we could get it for fifty cents less. I think next year we will try it. [Laughter.]

MR. MORRISON: May I answer that, in a way? We would much prefer not to have any subscriptions come through the agents, of course, so far as work in handling the subscription and so far as money is concerned, and I think that most of the subscriptions that we get now through the agents would come to us direct at the regular subscription price. There are a few, however, that come to us that would not come direct—perhaps they would drop their sub-

scription—but we are willing to deal with the agents and let them have a discount just because it seems to be the customary thing to do. Agents handle various periodicals and, therefore, we are willing to go along with the plan and not refuse to deal with agents.

I like most of those agents. I get a good many things from them. They find many missing numbers that I need and, therefore, we go ahead and deal with the agents as most editors of periodicals do, although we would much prefer not to deal with the agents.

CHAIRMAN MORSE: I am glad we are hearing something of the other side.

DEAN MALCOLM R. DOUBLES (T. C. Williams School of Law, University of Richmond): I would like to ask Dean Overton and other librarians here, what library hours do you keep during the week, and do you keep the library open on Sunday?

MR. OVERTON: It is easy for me to answer about the Sunday part. No, we are Deep South Baptists! On week days the reading room is open all day, from eight in the morning until ten at night. The textbook room is open most of those same hours, except for a period for lunch and supper. Also, our student librarians have classes and then it is closed for an hour.

MR. EVANS: Our law library at the University of Kentucky is open from two to five-thirty on Sunday.

CHAIRMAN MORSE: The problem of how to build a law library raises the question of the autonomy and authority of the law librarian. In other words, who is going to build the law library—the dean, the law librarian, some member of the faculty, or just who is going to have this responsibility of selecting the books, trying to effect economies, spend money, and be responsible for the result?

It gives me pleasure to introduce the next speaker, Mr. Oscar Orman, who is the Director of Libraries at Washington University in St. Louis.

[Mr. Oscar C. Orman read his prepared paper entitled "Autonomy in Law Library Administration."]

## AUTONOMY IN LAW LIBRARY ADMINISTRATION

OSCAR C. ORMAN

*Director of Libraries, Washington University*

AT THE outset I wish to confess that I have viewed this problem with mixed feelings. Last spring my position at Washington University was expanded so as to include the administration of all libraries connected with the university. After several years of experience in law library work—years in which I had inclined toward the view of independence in law library development—I found myself the director of a newly devised system of university libraries which included the law library I had previously supervised. Faced with the practical problem of developing an efficient and harmonious relationship between the law library and the other university libraries, I searched library and law school

literature and tapped by way of a questionnaire the opinions of my friends in law library work for information on autonomy in law library administration.<sup>1</sup>

Of only two things was I certain. In the first place no system would be installed which would remove from the law librarian and law faculty their inherent power of book selection. On the other hand I was determined that no self-sufficient isolationist attitude would develop in the law school library.<sup>2</sup> Between these two positions were countless problems for which I had no ready answers.

The discussion of centralization and decentralization in university library service is not a new one. As colleges developed into universities, and as university libraries grew in size, there was an increasing need for the decentralization of books and materials. But there were apparent advantages in the retention or installation of centralized administrative routines. These advantages were dependent upon varying factors existent at each university. As a result there are today nearly as many different administrative schemes in university library service as there are universities. And I venture to say that each plan has its critics as well as its proponents. Thus it is difficult to derive any rule of centralization or decentralization from an examination of the systems in use or a study of the printed materials relating to them.<sup>3</sup>

The views of university librarians for the most part favor highly centralized arrangements. Typical are the statements found in the following two sources. In 1930 the United States Office of Education published the results of an extensive survey of land grant colleges.<sup>4</sup> This report recommended, among other things, that "the librarian, subordinate only to the president, be placed in direct charge of all libraries, including experiment station and law libraries, connected with the institution."<sup>5</sup> Three years earlier a study was made for the Association of American Universities and it resulted in the conclusion that,

"... there should not be decentralization of library service for the entire college or university unless the departmental libraries are to consist entirely of duplicates. This would mean a unified library service for the entire institution with the exception of such colleges or schools as may be located in centers remote from the university. Even

<sup>1</sup> I am grateful for the permission to use a paper entitled "Departmental Libraries," prepared by Elizabeth A. Windsor at the University of Illinois Library School in 1937.

<sup>2</sup> For a short but clear statement of this problem see Roalfe, *The Essentials of an Effective Law School Library Service* (1938), 31 L. LIB. J. 335 at 351, where he states: "There is absolutely no room for personal or departmental jealousies. For example, there can be no question but that the administration of the law library under a general library system, which is indifferent, unsympathetic or uninformed, may result in virtual strangulation. On the other hand, there is no justification for the petty isolationist attitude characteristic of some law schools and their libraries."

<sup>3</sup> The arguments for and against departmental autonomy were recently presented in an excellent article entitled, *Centralization versus Decentralization*, by Robert A. Miller (1939), 33 A. L. A. BULL. 75. See also Walter Hausdorfer, *Professional School and Departmental Libraries Survey*, sponsored by the University and College Departmental Libraries Group of the Special Libraries Association and issued in June, 1938. 42 pp. mimeo.

<sup>4</sup> United States Office of Education, Bulletin, 1930, No. 9, 2 vols.

<sup>5</sup> *Ibid.*, vol. 1, p. 678.

in these cases it would seem desirable for the librarian of the college to have general supervision of those libraries off the main campus. This would make the so-called departmental and college libraries branches of the general library."<sup>6</sup>

Two years ago at the meeting of this association the problem of autonomy in law library administration was twice noted. First, a committee indicated that it had considered and would further study the subject.<sup>7</sup> Second, Dean Judson F. Falknor, speaking before this Round Table, commented as follows:

"... if a law school library is to attain the development necessary for its maximum usefulness, it should be allowed to develop under its own administration and entirely free of the supervision of the general or central library."<sup>8</sup>

Dean Falknor obviously had in mind the splendid library which has been developed on an autonomous basis at his own school.

Since our 1936 conference several opinions have been published by law librarians and law teachers relative to authority in law library administration. All but one have favored the above quoted view.<sup>9</sup> The Special Committee to Cooperate with the American Association of Law Libraries has fulfilled its promise to study the subject. Findings have been made and recommendations have been presented.<sup>10</sup> Dr. Arthur S. Beardsley has commented on the question in an interesting paper read before the meeting of the American Association of Law Libraries a few months ago.<sup>11</sup> His remarks, together with the findings of the above committee and the statements of Professor Robert McNair Davis and Dean Paul S. Andrews in 1936, can be summarized in the following pro-autonomous opinion.<sup>12</sup>

They believe that in many instances the domination of law library functions by the university librarian operates to impair the service of the law library; that few general librarians are sufficiently informed of the details of law library administration; that interference with the service rendered by the law school library appears in—

1. The delay incident to the centralized ordering and receipt of materials,
2. The delay occasioned by the cataloging of law books in the general library,

<sup>6</sup> WORKS, COLLEGE AND UNIVERSITY LIBRARY PROBLEMS. Chicago. American Library Association, 1927. See p. 77.

<sup>7</sup> Report of the Special Committee of the Association of American Law Schools on Cooperation with the American Association of Law Libraries, ASS'N AM. LAW SCHOOLS, HANDBOOK (1936) 332, at 336.

<sup>8</sup> Falknor, *The Function of the Law School Librarian* (1937) 30 L. LIB. J. 13.

<sup>9</sup> See *supra* note 2.

<sup>10</sup> Report of Special Committee of the Association of American Law Schools to Cooperate with the American Association of Law Libraries, ASS'N AM. LAW SCHOOLS, HANDBOOK (1937) 337.

<sup>11</sup> Beardsley, *Some Phases of Law Library Administration* (1938) 31 L. LIB. J. 193, at 196.

<sup>12</sup> Association of American Law Schools, *Proceedings of the Round Table on Library Problems, 34th Annual Meeting, Chicago, Illinois, December 30, 1936* (1937) 30 L. LIB. J. 1, at 19-20.

3. The inability of the law librarian to know the status of law library funds, and

4. In arbitrary and restrictive orders pertaining to the use of materials; that these observations are borne out by the fact that autonomous law libraries show greater development than others.

Such is the feeling which prompted the recommendation "that all member schools thus restricted should be encouraged to work for the highest degree of autonomy of law library administration consistent with the most effective service" and that the inspection of member schools and schools applying for membership in the association should include an investigation of the administrative condition of the law library.<sup>13</sup> This recommendation was made in the 1937 and 1938 reports of the Special Committee to Cooperate with the American Association of Law Libraries.

In May of this year I sent an inquiry to a selected list of law school libraries asking the librarians for information concerning the internal and external administrative arrangement of their libraries. Twenty-three responses were received.<sup>14</sup> Eight replies came from librarians who were members of centralized schemes. Fifteen returns represented libraries which were clearly autonomous.

Three of the eight centralized libraries expressed dissatisfaction with the relationship between the law library and the university library. One librarian boldly stated:

"It is the earnest desire of the law librarian to have this library become independent and autonomous."

The other two critics of centralization referred to the delay incident to the receipt of materials. One response noted that the law library of that school obtained more funds when its appropriation was received through the school of law than it presently enjoys as a department of the university library.

While the remainder of the centralized libraries registered no complaint with their own systems some of the librarians mentioned the possibility that embarrassments might develop. In the words of one law librarian,

"Speaking from a personal viewpoint with respect to the administrative set-up in this school, I can say that the most cordial relations exist between me as law librarian and the present university librarian. In spite of the fact that all law book orders, staff appointments, etc., must be approved by the university librarian, there have never been any unreasonable delays, disapprovals of orders or appointments. However, I can well imagine that such an administrative set-up as we have here might in some universities cause delays in placing orders, em-

<sup>13</sup> See *supra* note 10 at 338-339. See also *Report of Special Committee of the Association of American Law Schools to Cooperate with the American Association of Law Libraries, PROGRAM AND REPORTS OF COMMITTEES, ASSOCIATION OF AMERICAN LAW SCHOOLS, 36TH ANNUAL MEETING (1938) 32, at 34.*

<sup>14</sup> Responses were received from the law librarians of the following universities: California, Chicago, Columbia, Cornell, De Paul, Duke, George Washington, Harvard, Howard, Illinois, Indiana, Iowa, Kansas City, Louisiana State, Michigan, Minnesota, Missouri, North Carolina, Northwestern, Notre Dame, Stetson, University of Washington, and Yale.

barrassment to the law librarian in making staff appointments, and, in short, result in the law librarian's hands being tied on many occasions. The ideal arrangement, in my opinion, would be to have vested in the dean of the law school final authority on law book expenditures, appointments, etc."

Another librarian stated that the centralization in use at his school "works very well as far as law is concerned, largely because everybody uses common sense." He went on to say that "if we were *prima donnas* there would be great possibilities for friction."

Not one of the librarians operating autonomous libraries criticized their own systems, and four emphasized the need for independence. For instance, one reply contained these words:

"The law library was formerly a department of the university library. It did not develop satisfactorily, as seems to be the case in most libraries which have this arrangement. Evidently an effort was made to equalize expenditures for all departments disregarding the fact that law books are more expensive than the average [book], and that the law school does not have other laboratory equipment and facilities. We recommend very strongly that the law library be autonomous for the reasons given above to allow for speed in ordering and keeping a close check on the development of the collection, and to permit flexibility in organizing the work so as to meet special needs of the faculty members and students."

Only one of the reports coming from an autonomous library showed any favor to centralization. This librarian stated:

"Personally, I prefer independence from the university library," however, "either system will work, if one tries hard enough."

Such then were the views expressed by some of the leading law librarians of this country. Not a single complaint was registered against autonomy. From three of the eight centralized libraries and from four of the fifteen autonomous libraries came charges levelled against a centralized scheme.

We have examined the opinions of university librarians, summarized the pro-autonomite view as it appears in law library literature, and have received expressions by way of questionnaire. It should be time to formulate a conclusion—autonomy or centralization. But can it be done? I am afraid not. It would be reckless to urge that all law libraries should seek autonomy or that all law libraries should be made parts of a centralized system. There are so many variables in law schools, law libraries and university libraries that it is impossible to arrive at any usable generalizations. The best that we can do is to examine those variables and trust that our understanding of them will result in better law library service.

A determining factor in any library set-up is size. The routines which are adequate in a library of 15,000 volumes are not always satisfactory for a collection of 75,000 volumes. It is interesting to note that of the 89 member schools only 16 have libraries containing over 50,000 volumes, while 47 schools possess less than 20,000 volumes. Twelve libraries contain approximately 50 per cent

of the total number of books owned by all member schools. It has been stated that autonomy leads to greater development and increased funds, and is, therefore, a desirable thing. I wonder, however, if this has been the case in all instances. Is it not possible that the application of increased funds for law library service has been mainly responsible for autonomy, rather than autonomy being responsible for higher budgets? It seems reasonable that the small law library, and here I mean the library of 10,000 to 50,000 volumes, should look to the general university library for administrative assistance. Is it not proper for the university library to be willing to care for routine processes such as bookkeeping and ordering (not selecting) for the law library where the law library has a small budget and the services of a part-time or only one full-time librarian? Is it not possible that the rendering of such aid will release the law librarian from a burden of clerical labor so that he or she can devote more time to faculty and student use of the collection, and to the thousand and one tasks for which no clerical routines exist?

Along with size of library goes size of budget. Where the total appropriation for law library service is less than \$20,000 per year it would seem that the inconveniences brought about by centralization can be justified by the useful services which the general library can offer to the law library. On the other hand, where the law library annually spends over \$10,000 for books, binding, equipment and supplies and is operated by three or more full-time staff members it is probably better that the law library be administered with a high degree of autonomy.

A large law library budget permits duplication of general library holdings. It allows the collection to grow into maturity so that more and more of the needs of the law faculty and student body are cared for. It provides a staff made up of both professional and clerical members. It makes possible a division of labor in the administration of the library. The large law library does not need the help of the general library, and it is foolish to insist upon retaining or installing a highly centralized administrative system. The law library is not unlike the lawyer who uses it. As long as his income is small it is better that he take advantage of membership in the local bar association library. With increasing revenues he becomes able to purchase his own collection of law books and thus supply himself with the conveniences of a handy private library.

Another variable factor is the location of the law school library. If it is small but is housed several miles from the general university library it is likely that the delay with which the general university library renders its help is so great that centralization is only a nuisance for all concerned. In that case it is better for the library to struggle along as best it can unattached to any larger system.

Then there is the condition of the general library to consider. In some schools the university library is so weak that it is ludicrous to expect it to assume increased duties arising from centralization. If its staff is small or inefficient, there can be nothing but grief resulting from a highly integrated scheme. Before the general library should offer its aid there should be cer-

tainty that it is strong enough to expend that energy. Likewise, a faltering general library should not insist on retaining a relationship whose main product is inefficiency.

These then are the leading variables: (1) the size of the law library budget, (2) the location of the law library and the university library, and (3) the strength of the university library.

If we find that the factors conducive to an efficient operation of a centralized scheme exist, how should the administrative details be arranged?

First. The entire law library budget should be a part of the law school budget and should be controlled by the dean and faculty of the law school. This places the responsibility for increases and decreases in law library expenditures in the hands of those who know the needs of the law school. This makes the law librarian directly responsible to the law school dean.

Second. The authority of the university librarian should be limited to the supervision of the services which the university library agrees to supply. It is a power delegated to him by the dean of the law school. In respect to other activities of the law library the university librarian should assume an advisory capacity only. The law librarian and university librarian should consult each other about such activities so that the law library service receives the benefits of whatever useful advice the university librarian is able to render. The nature of this cooperation will differ greatly from one school to another. In many cases we find law librarians trained in law but not in library science. The law librarian should take advantage of the experience and training of the members of the general library staff. He should remember at all times that the law library is a library and that its service is very similar to that of the general library.

Third. The university library can be helpful in the following ways:

(a) Its order department can type up the formal book orders and order catalog cards for the books purchased. This would save the time of the law librarian in checking the university catalog so as to eliminate unnecessary duplication of purchases especially in border-line fields. The time saved in typing and maintaining complete order records is also of importance.

(b) There can be cooperation in the matter of purchasing supplies. Most library supplies cost less if purchased in larger quantities. An arrangement by which the law library gets the benefit of lower prices due to large purchases by the general library can be worked out.

(c) Savings can also be made in the matter of binding and repair expenses by simple schemes of combination. Sometimes the lumping of all binding business results in substantial savings to both the general library and law library.

(d) The general library can also take care of the bookkeeping routine of the law library. This merely amounts to the keeping of balances on funds used.

Under these arrangements all books and materials would be received by the law library. All authority over book selection and expenditures would reside in the law librarian and law faculty. There would be no reason to expect delay or hampering of law library service. Law library service will improve.

The university library will be performing a useful function. To this extent centralization is beneficial.

That is why I have said that the choice of autonomy or centralization cannot be made on the basis of any simple rule. Each school must examine its own problem and determine the arrangement best suited for its needs. [Applause.]

CHAIRMAN MORSE: There must be some questions about this provocative subject.

DEAN ALBERT J. FARRAH (University of Alabama School of Law): I would like to ask if you have devised any plan by which you make accessible your pamphlets, briefs and other papers of that character that come to the law school.

MR. ORMAN: That is, those items in the general library that should be properly in the law school?

MR. FARRAH: I mean, when you were law librarian for the law school did you have a plan devised by which those pamphlets and other publications of that character could be made accessible so that the faculty would know what was on hand and how it could be used?

MR. ORMAN: Formerly at Washington University there was no high degree of cooperation between the law library and the general library. Upon examining the materials in the field of public documents and the patent collection of the general library I found much material which should have been shelved in the law library. The main library also contained several sets of Continental legal periodicals which had been purchased years ago for some political science professor. All of these items properly belong in the law library, and that is where they will reside. We have moved over two or three thousand volumes already and we are making plans for transferring other legal materials to the law library.

MR. OVERTON: I do not believe you understood Dean Farrah's question. As law librarian you will receive a large number of pamphlets and reprints of legal articles and briefs. What sort of solution have you for the problem of making them available in the law library itself?

MR. ORMAN: We have two or three filing cabinets and have set up an alphabetical list of sub-headings rather broad in nature. I do not suppose there are over seventy-five sub-headings. We file the pamphlets in this pamphlet file.

MR. BOYER: What do you do on federal depository documents and material of that sort in apportioning what goes to the law library and what goes to the university library?

MR. ORMAN: We have the right of making selections from a selected list of public documents. We are not a complete depository. What we did was go over the list—the reference librarian of the general library and I representing the interests of the law school—and made a decision as to whether the material should be in the general library or the law library. For instance, the university received the Board of Tax Appeals Reports and many other departmental reports which, of course, are now housed in the law library.

MR. EVANS: What do you do with the United States Supreme Court Reports?

MR. ORMAN: The Supreme Court Reports are in the law library and always were in the law library.

MR. KIMBROUGH: Would a centralization scheme be largely experimental?

MR. ORMAN: No, because there are a number of libraries which are now being operated on centralized schemes.

MR. KIMBROUGH: But it was an experiment with them to start with?

MR. ORMAN: Oh, yes, that is true.

MR. OVERTON: Wasn't centralization the orthodox beginning plan? Which is the newer, centralization or decentralization?

MR. ORMAN: That is difficult to say. I believe that at the turn of the century President Harper of the University of Chicago recommended a decentralized scheme. Years later at that school a faculty committee recommended centralization, the system now in use.

MR. KIMBROUGH: Speaking of the question of economy with these borderline books you mention, why couldn't the difficulty there be obviated very easily by the law librarian and law faculty, charged with the duty of looking after the law library, finding out just what books they have in the general library and then not purchasing those books for the law library?

MR. ORMAN: Yes, that could be done, but it usually isn't done.

MR. KIMBROUGH: It is done with me. I have a small law library, but that very thing is done.

MR. ORMAN: Maybe you do represent the majority view. I find that in my experience in talking to other law librarians that is not a customary practice. In a centralized scheme there is no possibility of duplication. When an order comes from the law library to be executed by the general library, the first operation is to verify the bibliographic information and then to check to see if the book is already at the university or in one of the university libraries. If it is in the university, the next operation is to call the law librarian or any other departmental officer who is authorized to recommend book purchases and inform that person that the book is on the university campus. If he desires to have another copy of it for the use of that department, the library then executes the order.

We find in many instances that faculty members recommend the purchase of books which are already in the university library system.

MR. KIMBROUGH: We have in our small library a trained law librarian and she has no trouble keeping her books. We would not have to ask anybody from the general library to help keep the books. She has plenty of time for that.

MR. ORMAN: If she has plenty of time for it, that aspect of a centralized system is not needed. I feel that the bookkeeping routine performed by the central library at the time orders are executed is a simple process. The law librarian then becomes free to take care of other work in the law library.

MR. FARRAH: If the law librarian is competent and has sufficient help to

carry on the work, wouldn't you get better results by confining the work to the law librarian and his assistants than you would by spreading it between the law library and the general library?

MR. ORMAN: That is if you assume that the law librarian is competent and has sufficient assistance. It is a question of dividing your duties. If you feel that the law librarian should take care of that type of work and not care for other types of work—such as finding new places to get state reports and picking up bargains in state statutes—that is all right. It depends on what type of law library service you want and how you want to define the duties of the law librarian.

MR. EVANS: I understood your proposal was that the general librarian should look after the matter of bargains for books, and so on. Wasn't that your proposal?

MR. ORMAN: No. The general librarian would have nothing at all to do with book selection.

MR. PRICE: I happen to be the law librarian of one of these poor minorities, the centralized library. Dean Kimbrough was asking about keeping track of border-line books. One advantage of the centralized system which we have at Columbia is this: that, while we catalog all of our own books in the law library, there is a central catalog division in the general library. Whenever they catalog a book which is a border-line book they send me a catalog card for that book—full author, title and subject—and I file that in my library. By the same token, when I have a law book which I think is of interest—maybe in political science or some other field—I send that card over there.

It may very well be, and very often does happen, that although there is a certain book in another department of the university we still want it in the law library, and in that case we buy it without question. On the other hand, we have only so many dollars to spend for law books. If we spend the money for a book that is in the general library, we cannot buy another book. That is elementary. We save a good many hundred dollars a year by having those cards in our catalog and knowing that the book is elsewhere on the campus, and, through the general system of cooperation of the university library, if we want the book or the professor wants the book we get it and he uses it and then we send it back.

CHAIRMAN MORSE: What do you do about a catalog, Mr. Orman?

MR. ORMAN: We have a tremendous cataloging problem on our hands at Washington University, because the general library has not been completely cataloged and many of the departmental libraries are not cataloged at all.

CHAIRMAN MORSE: I meant, does the law library have a separate catalog?

MR. ORMAN: Yes.

CHAIRMAN MORSE: Does the law library file duplicate cards in the general library?

MR. ORMAN: The law library has a separate catalog, and at Washington University the catalog is handled in the law library. Of course, in some centralized schemes the cataloging of books is handled by the general university library. That means that the materials are received by the general library

and that is where delays sometimes occur. Under the scheme we have devised, all materials go directly to the law library, our invoices are checked there, approved and, of course, we make payment through the central office.

MR. JOHNSON: I am interested in knowing how to handle briefs and records so that they may be readily accessible to anybody that wants them. We have marked the number of the file in which the brief may be found in every volume of reports of the United States Supreme Court and of every state which contain reports of cases for which we have briefs. If there is any better method I would like to know it because this one does not work any too well.

MR. ORMAN: At Washington University Law Library we installed a very simple system of arranging our briefs of the Missouri Supreme Court in numerical order according to docket number. If you are reading a case you can get your docket number from the report and turn directly to our files, hoping that we have a brief for that case.

CHAIRMAN MORSE: We do ours another way. We collate ours according to the way the cases appear in the bound volume of the reports and label the volumes on the outside by the respective volume number and the pagination in which the cases appear.

MR. JOHNSON: We do all that and in addition on every individual case in the reports we have written the number of the file where the patron can get his brief without any further looking. If you can improve on this system I would like to know it because it is hard enough to use this way.

CHAIRMAN MORSE: Of course, the user of our library has to go along the volume and pick out the page number on which the case starts. It seems quite convenient for him.

MR. JOHNSON: On the page where a case begins in the reports we have written the word "Brief," if we have it in the library. Then the number of that brief is written right there. All the user needs to do is go down to that number and pick out the briefs and the records in that particular case. I am looking for something better, gentlemen, because this doesn't work any too well.

MR. LOCKENOUR: As I understand you, Mr. Morse, you do not number them at all. You sort out the briefs according to the way the cases are in the volume of the reports.

CHAIRMAN MORSE: Everybody seems to be able to find their way around. It slows us up, of course, because the bound volumes do not come out as rapidly as the briefs do. We have to hold them quite a while sometimes.

DEAN CHARLES H. KINNANE (University of San Francisco School of Law): I would like to ask your opinion as to the relative merits of a law-trained librarian as against a library-trained librarian for a small library of around thirteen or fourteen thousand books.

CHAIRMAN MORSE: That puts me "on the spot" because I am merely a law-trained librarian and Mr. Orman is both, I believe. He has been through the mill and can answer from both angles. I will quote from my own experience as long as we are going to have testimonials.

I think that a happy combination of both is really necessary. I think that

a library-trained person is essential for the purpose of cataloging. I do not like to limit the need of a library-trained person to that, but I definitely have concluded that that is absolutely essential, and for a law librarian it is my conclusion that a legal training is necessary. In other words, a library really should have that combination, either in one person or in two persons, it seems to me.

Your question is, how can a small library get along best?

MR. KINNANE: It may not be able to have both, or a combination of both. What is the next best solution?

CHAIRMAN MORSE: I think the way it works out is that the small law libraries suffer because of the fact that they do not place very much emphasis on their catalog. As I have said, I feel it is essential to have on the law library staff a person who knows the techniques of cataloging. We would like to hear from Mr. Price, whose educational background and experience is an excellent example of what I mean by a "happy combination" of both library training and law training.

MR. PRICE: I am probably prejudiced, as I came to Columbia as an experienced librarian but without knowledge of law, except patent law, and earned my law degree there while on the job. At Columbia they desired a certain combination of qualifications after Mr. Hicks left, but couldn't get it, so they compromised and I am that compromise.

I am a technical librarian. I do know a great deal about engineering and chemical literature, but in Columbia it is necessary that you know library technique. It is the hardest thing in the world for a librarian to explain to a layman the need of library technique. Any trained librarian knows the need of it. It is the crystallization, essentially, of standard practice—the use of routines and techniques which practice, study and research have found to be useful and the discarding of those which have fallen by the wayside and have been found to be unsatisfactory. It is the means of getting the job done in the standardized way, in the quickest way, with the least expenditure of time and effort.

Mr. Morse speaks of me as a combination. When I went to Columbia I did not know anything about law, but I studied law and got a law degree. I think that is your solution, and I think that the solution is a happier one if your librarian studies law than if your lawyer studies library science, for this reason: You lawyers are a chesty crowd; you may think that somebody else knows something, but you won't admit it. Therefore, when the lawyer starts to study library science he approaches it with the wrong attitude. He feels that he is lowering himself and that he is doing something for which he should apologize. When a librarian studies law he approaches it with the proper spirit of humility. Having started in law library work without knowing anything about law, I would say very definitely that a librarian ought to know both.

If the small library appoints a librarian who has ambition, that librarian is bound to take enough interest in the job to learn something about it and to realize that at least the common law fundamentals are a necessary part of her equipment and she will go out and get them. Otherwise, it may not be worth keeping

her. She is right on the job in the law school library. She can attend classes without too much trouble; spend a few nights a week studying law, whereas most of your smaller law schools are not connected with institutions having library schools, and so your lawyer-librarian can't as easily study library science while on the job. It is a tough racket, but it can be done, and if a librarian that you get without legal training has enough interest in her job she will do that. If she doesn't have enough interest, maybe she is misplaced in a law library and should instead be handing out *Gone With the Wind* over a public library loan desk.

MR. MORSE: Mr. Orman, I believe, represents the other point of view. What do you think about it, Mr. Orman?

MR. ORMAN: I followed the opposite procedure by going to law school first and then taking my library work. The library training was certainly simple when compared to the work in a law school. My suggestion to a small law school is that if you can induce a person who has law training to accept the robes of librarianship, you will be doing the right thing. A library course of one year is easier to take than a three or four year law course. If you are fortunate enough to be able to convince a legally trained person to administer a law library, I think that is what you should do.

MR. STERN: In the absence of my chief, Mr. Drummond, the Law Librarian of the University of Chicago, I should like to say a few words about autonomy and centralization.

In the University of Chicago the centralized system was introduced, as Mr. Orman said, some time ago. We are on record as being opposed to a centralized system altogether. That is not so. We fully realize the advantages of such a centralized system.

Modern library administration seems to be very complicated. A law librarian cannot know about every phase. He does not know enough about the question of what can be done with microphotography. He does not know about the preservation of old books. He is not familiar sufficiently with the question of union catalogs and similar problems. In other words, on a good many questions a centralized system has advantages, but as regards book selection, while our books are ordered by our central acquisition department, the actual book selection is done entirely by us. We found that it was necessary to give all bibliographical information to the acquisition department because they, themselves, are unable to do our work. It is a different problem to order law books than to order books on literature or technical medical books. The dealers are different.

Our acquisition department says it can save from 20 to 30 per cent by ordering the books through their agents and dealers. This is true as regards books on political science and foreign books, but it is not true as regards law books. In other words, in ordering books in the field of political science, foreign books and all other not strictly law books there is an advantage in a centralized ordering system.

We have a bibliographer in our acquisition department who checks all of our order cards to ascertain whether or not the book is already in any other departmental library or in our general library. The work of the bibliographer takes

between one week and three months. In order to overcome delays we now have a stamp which we put on almost each order which says, "regardless of other holdings." When we are convinced that we ought to have the book we want to have it regardless of whether or not it is in any other library. If it is a book which is not a law book, let us say a psychology book, then we ask our director of libraries whether he would want to buy this book from general funds or whether, perhaps, the psychology department would want to buy it.

That, I think, is the greatest advantage of a centralized system which, however, in many libraries with a centralized system is not taken care of sufficiently. The director of the general library ought to say in a good many cases, "Wouldn't it be better if this book would be ordered on funds of the political science department and housed in the political science library, or bought with funds of the psychology department and housed there?"

In other words, I think in a centralized system the director really ought to do some work in order to make the system most efficient. In our law library we achieve a good many advantages, and we figure that if the proper personnel is in the central library they can help us a great deal.

As regards our cataloging, there is no reason why the cataloging of law books cannot be done in the central cataloging department, provided the department has someone who knows enough about law and about the cataloging of law books. I know of one instance in our library where a cataloger of the central library cataloged a book absolutely wrongly because she did not know anything about the law book, and even if she would have read the book from the first to the last page she would not have understood it.

There is another point. A catalog in a law library in certain respects is always different from a catalog in another library. A lawyer has other things in mind when he goes to the catalog. As a matter of fact, most professors of law are not used to consulting a catalog; still less are lawyers. One has to cater much more to the users of the law catalog than is done in the main library.

In small law libraries it does not seem to be justified to employ catalogers for the library, because of the comparatively small amount of cataloging to be done. A central library will in most cases be able to take care of the law catalog in those places. If, however, the library is a large one and the law catalog fills out the working time of one or more persons, it seems to me but fair to have this person or persons work in the law library and to have him or them specialize in the subject, which is so different from any other cataloging.

Concerning supplies, I think Mr. Orman is absolutely correct and there is no reason why supplies could not be purchased by the whole library.

We found out that both systems have their advantages and disadvantages and, more or less, it seems to me to be a question of personnel. If you have the proper people in a law library and are not in a centralized library, of course an autonomous system is better. If you have a very well administered centralized library, as they have in Washington University at St. Louis, then I think a centralized system is the best thing to have.

MR. KINNANE: I have worked under a system where we had centralized

cataloging and ordering and also under a system where that is not done in any centralized way. The question of cataloging has come up, and I confess that it suggests a mystery which I do not fully appreciate.

Speaking about a law teacher's and a law student's use of a small library, those who use the books learn very shortly about where they are located. The categories are not very numerous: statutes, reports, texts, and so on. I wonder if anyone who has had experience with cataloging in small libraries will tell me what the need of such a system is in a small library when a catalog is not consulted from September until June but everyone around knows what the books are and goes and gets them from the shelves.

CHAIRMAN MORSE: Now we are getting into the problem of cataloging. I wonder, Miss Newman, if that is to be developed in your paper which you will give on Saturday morning?

MISS NEWMAN: To a certain extent. I might say this right now: I do not want to go into an elaborate discussion of cataloging because there are others here very much more expert on that than I am, but I think you overlook this point which is very important—your library is not going to remain a small library forever.

I have had fifteen years' experience in law library work. I started my law library career in 1923, at the time when our library contained about ten thousand volumes and it was not cataloged. It began to grow and even I, who had been there longer than anybody else, did not know what the books were. In other words, you cannot continue for years without a catalog in your library. You have to make the books available through your catalog, and it is certainly important to set up a catalog while the library is still young, while it is still in the ten thousand volume state, or even smaller than that, because it is quite a job to start cataloging a library after it gets to be larger than ten thousand or more volumes.

So I think it is extremely important to have a catalog; in fact, I think it is really—if I may say so, with all due respect to you and others who hold your view—a very old-fashioned notion to continue this "hunt-and-pick" system. I did it when I was an assistant, and I did it for seven additional years when I was connected with our library. I finally said to the faculty, "We have to have a catalog." They said, "Make one," and I did.

MR. FARRAH: May I ask what benefit you derive from that in the cataloging that you speak of?

MISS NEWMAN: Suppose you want to know what books you have in the library on "Agency" or "Contracts." If you go to the catalog and look under the subject, in brief time you can run through those cards and know what books are in the library. That is certainly easier than going through the shelves and picking them out there.

MR. FARRAH: What about all of those numbers that are before and after on the cards?

MISS NEWMAN: I believe you are referring to the letters and numbers which

represent the system of classification in the particular library. Others here know more about that than I do, so I will not attempt to discuss classification.

CHAIRMAN MORSE: I can support Miss Newman's experience on cataloging in our library. We had a handmade catalog which existed for a number of years. We found that we just had to have an up-to-date catalog. I think a number of law schools are going through that same period of having to recatalog their whole library and more or less modernize the catalog. In other words, we felt that the catalog was the last place to look because it was not dependable and not very useful, but now I have changed my mind completely. We have adopted the Library of Congress scheme of cataloging and we feel that our catalog now is really the heart of the library. Everything revolves around it. In other words, when anybody asks for something we send them to the catalog. Students and research people are going there first, we find, and not asking the members of the library staff. It is really helpful in that respect. They go to the catalog of their own accord and they rely upon it and they find there the titles they want.

I cannot say too much in favor of it because I think all of the small libraries are facing the same problem. They are small now, but they are developing like all of the libraries are. We have to keep the matter under control. We have to have uniform rules and have catalogs based upon those in the larger universities whose librarians have had similar experiences and have really accomplished the task of making the catalog the heart of their library.

MR. JOHNSON: Might I ask if you catalog more than the authors and subject?

CHAIRMAN MORSE: Yes, sir. It is really quite an involved process. I do not want to shut off any discussion on this matter of cataloging, but we are going to get into a long discussion, I am afraid, and, with your permission, I will proceed to summarize some methods of effecting economies which we have already discussed and some others I have included in a short paper I have written. Then afterwards, if there are any who would like to stay to discuss cataloging, I am sure we can fortify ourselves with the views of some expert catalogers who are in our midst.

[Mr. Morse read his paper<sup>1</sup> entitled "Effecting Some Economies."]

CHAIRMAN MORSE: I am requested to call for nominations for the election of a Chairman of the Round Table on Library Problems for 1940. I understand that this Round Table meets every second year and the next one will not be held until 1940. It is our hope that this one has been helpful to all of us. I know I have learned a great deal this evening from other librarians and faculty members in charge of libraries.

MR. EVANS: Before you leave your topic, do you see any reason at all for purchasing those regional digests—the South Western or North Western Digests?

CHAIRMAN MORSE: I personally cannot see that they justify the expenditure.

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<sup>1</sup> For the full text of this paper see Morse, *Effecting Some Economies* (1938), 31 L. LIB. J. 278-288.—Editor's note.

MR. LOCKENOUR: Is that a requirement of the Association of American Law Schools?

MISS NEWMAN: It definitely is not. The requirement is "general digests," which I take it means the American Digest System. A federal digest and a digest for the state in which the school is located are also required.

CHAIRMAN MORSE: The American Digest System, of course, covers all the jurisdictions and the regional digest is merely an effort to help out the regional lawyer in that field, I would say. It is obviously a duplication and a very expensive one.

Will there be a nomination made from the floor for a Chairman for the Round Table for 1940?

[It was voted, upon motion by Mr. Kinnane, and duly seconded, that Dean Thomas C. Kimbrough, University of Mississippi School of Law, be elected Chairman of the Round Table on Library Problems for 1940.]

CHAIRMAN MORSE: I think it is within our power to select the other members of the Council. Are there suggestions from the floor? We can have any number we wish. I think there are many problems that we have to discuss and I think that we can gain a great deal out of these Round Tables.

DEAN IRA P. HILDEBRAND (University of Texas School of Law): With us, our librarian has developed three or four experts each year from our N. Y. A. students in the repair department and that has saved us a good deal. I have not heard anyone say that is true in his or her law school, but it does seem to me you are overlooking an opportunity if you do not use your N. Y. A. students for this work.

CHAIRMAN MORSE: I know a number of schools which use N. Y. A. students for oiling and greasing books and repairing them.

DEAN EDWARD STIMSON (University of Toledo College of Law): I might suggest that we have a very active W.P.A. bindery. The Government binds all the books in our library.

MR. HILDEBRAND: We have a printing department and a binding department, but they charge us with the actual cost of that work. I am sorry we are not as fortunate as you are.

CHAIRMAN MORSE: I think we ought to have at least two or three more members on this Council to give Dean Kimbrough a little assistance for 1940.

[It was moved by Mr. Hildebrand, and seconded by Mr. Johnson, that Dean Alvin E. Evans, University of Kentucky College of Law, be nominated to serve on the Council.]

DEAN EARL C. ARNOLD (Vanderbilt University School of Law): I nominate Professor William R. Arthur of the University of Colorado School of Law.

CHAIRMAN MORSE: We found that on this Council for 1938 we lost two by resignation during the two years, due to a change from their profession of law teaching to some other. I think there should be another nomination. That would give Dean Kimbrough three besides himself.

MR. JOHNSON: I nominate Mr. Price.

MR. PRICE: I am not eligible. I am not a member of the faculty of the law

school. I am librarian of that part of the university library system which serves the law school.

MISS NEWMAN: I would like to nominate Mr. Alfred A. Morrison of the University of Cincinnati College of Law.

PROFESSOR S. CHESTERFIELD OPPENHEIM (The George Washington University Law School): I would like to nominate Miss Helen Newman, Law Librarian of The George Washington University.

CHAIRMAN MORSE: Is there any discussion of those nominations? I think they are good ones.

[A vote was taken on nominations presented and Dean Evans, Professor Arthur, Mr. Morrison and Miss Newman were unanimously elected to serve on the Council, with Dean Kimbrough as Chairman, for the Round Table on Library Problems for 1940.]

CHAIRMAN MORSE: The Council for 1940 is now arranged for and we will consider the meeting adjourned.

[The meeting adjourned at ten-thirty o'clock.]

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### **Law Library Administration Course Offered in Columbia's 1939 Summer Session**

The course in Law Library Administration at the School of Library Service, Columbia University, will be offered for the third consecutive summer during the 1939 Summer Session. The course, under the direction of Mr. Miles O. Price, Law Librarian, will be given from July 5th to August 11th, inclusive. The COLUMBIA UNIVERSITY BULLETIN OF INFORMATION for the 1939 Summer Session contains at page 59 the following description of the course:

"This course aims to give, through reading, classroom discussion, and extensive use of problems such as are to be encountered in actual practice, a comprehensive view of the administration of law libraries, with special reference to their various problems which differentiate them from other kinds of libraries. The various types of law libraries—law school, bar association, and private—are studied. The common law and statute law as sources of legal material are briefly considered as well as the methods employed by law students and lawyers in legal research. Emphasis is laid upon the examination of and work with the different types of material used in law libraries, such as court reports, statute law, textbooks, encyclopedias, periodicals, government documents (particularly legislative documents and the reports of administrative tribunals), briefs on appeal, etc., and the aids to their use. Methods of acquisition, book selection, publishers, book dealers, and sources of free material are studied. Such aspects of cataloguing, classification, shelf arrangement, circulation, and reference work as are peculiar to a law library are taken up.

"The class will meet in two sections. One section will be made up of students who have had little or no legal education or law library experience and will be expected in most cases to devote all their time to this one course. The second section will be limited to students who have either legal training or considerable law library experience or both. In the second section less time will be spent on legal bibliography and more on reference work and administrative problems."

## A LIBRARIAN'S APPROACH TO PROBLEMS IN THE SMALLER LAW SCHOOL LIBRARIES\*

HELEN NEWMAN †

*Law Librarian, The George Washington University*

A DEFINITION of terms was considered a prerequisite to discussion and argument when I participated in college debates fifteen years ago. Following this debating technique I cannot but feel that by way of introduction I should define "librarian," "problems," and "smaller law schools." With respect to the latter I am going to rely upon Dean Kimbrough's very apt statement made at the Association meeting last year at the time he presented the resolution for the creation of this round table: "It is not necessary to attempt a definition of what constitutes a 'smaller member' school. Most of us within this group know, as a matter of fact, that we are 'smaller member' schools."<sup>1</sup> Here, however, I should pause to admit to you that I do not know whether or not I represent a "smaller member" school! If the criterion is the number of students enrolled, I do not, for The George Washington University with a present registration of 872 students has the third largest enrollment<sup>2</sup> of member schools. But if the criterion is the size of the library in relation to the number of students, I do represent, at least, a "smaller law school library" if not a "smaller member" school. There are now 20,000 volumes in the law library of The George Washington University. In any case I trust that I may be recognized as qualified to speak before this round table because of my conviction that the problems of a small library in a law school with a large student registration are even more pressing than those of a small library in a law school with a more limited student enrollment, and because the approach which I have made to our problems at The George Washington University may prove of interest and perhaps of assistance to you in solving your library problems.

At this point I shall not try to give you a definition of "problems" since the main part of my paper will be devoted to a presentation and discussion of the principal problems as I conceive them. But before proceeding to this discussion I ought to attempt, at least, to define "librarian," if for no other reason than to let you know that I am aware of the queries, "what is a qualified librarian?" put to Dean Arant at the 1937 meeting<sup>3</sup> just prior to the voting on the amend-

\* An address delivered at the Round Table on Special Problems of the Smaller Schools, Thirty-sixth Annual Meeting, Association of American Law Schools, Stevens Hotel, Chicago, December 31, 1938.

† Executive Secretary, American Association of Law Libraries, and Editor of the LAW LIBRARY JOURNAL.

<sup>1</sup> ASS'N AM. L. SCHOOLS, HANDBOOK (1937) 199 at 200-201.

<sup>2</sup> The latest published figures are those given in the ANNUAL REVIEW OF LEGAL EDUCATION FOR 1937, American Bar Association (June 1, 1938), pp. 34-62, as follows: Harvard University Law School, 1388; New York University School of Law, 1055; The George Washington University Law School, 976. See also 9 AM. L. SCHOOL REV. 80-88 (Dec. 1938).—Editor's note.

<sup>3</sup> ASS'N AM. L. SCHOOLS, HANDBOOK (1937) 41.

ment to the Articles of Association, passed by a vote of 62 to 23,<sup>4</sup> and which in its final form reads as follows: "Commencing September 1, 1940, it shall have, in addition to the four instructors specified in Section 7 of this Article, a qualified librarian, whose principal activities are devoted to the development and maintenance of an effective library service."<sup>5</sup>

A study of the legislative history of this amendment will disclose that the word "qualified" did not appear in the original recommendation made in 1936 by a committee of the American Association of Law Libraries,<sup>6</sup> nor did it appear in the recommendation presented at the 1937 meeting of the Association of American Law Schools.<sup>7</sup> The Executive Committee of the Association of American Law Schools charged with the task of drafting this amendment very properly inserted the word "qualified" which has given a new impetus to the consideration of the important question of the educational qualifications of law librarians.<sup>8</sup> Two committees of the American Association of Law Libraries

<sup>4</sup> *Id.* at 52.

<sup>5</sup> *Id.* at 370.

<sup>6</sup> American Association of Law Libraries, *Report of the Committee on Cooperation with the Association of American Law Schools*, 29 L. LIB. J. 138, 140 (October, 1936). The recommendation contained in that report reads as follows: "It is further recommended that the Association of American Law Schools in line with its rigid requirements as to the number of volumes in the library of a law school as one of the qualifications for membership of such school in the Association, should also require each member school to have a librarian whose major interest is the library itself and whose principal activities are devoted to management and operation of the law library." However, in amplifying its recommendation the committee used the word "qualified" as follows: "It seems clear that no school can have an effective library service until the library is made the major interest of some responsible member of the staff. Even a small library cannot be effectively conducted if it is simply regarded as an avocation of the person in charge, to be run in leisure time or on Saturday mornings. While the requirement of a full-time librarian might impose a hardship on the smaller schools by reason of financial limitations, adequate library service is practically impossible under less stringent conditions. A well-qualified person, familiar with the wants, needs, and trends indicated in Mr. Roalfe's article (8 AMERICAN LAW SCHOOL REVIEW 398), must devote the major portion of his time in order to properly maintain and conduct the library, and the less qualified person must devote even more time to familiarizing himself with the problems incident to his work."

<sup>7</sup> Professor Robert McNair Davis, Chairman of the Association of American Law Schools Special Committee on Cooperation with the American Association of Law Libraries presented the recommendation as follows: "... we have recommended ... what is found on page 130 of the program, in these words, that our Articles of Association, if you please, be amended so as to require each member school to have a librarian whose major interest is the library itself and whose principal activities are devoted to the management and operation of the law library." ASS'N AM. L. SCHOOLS, HANDBOOK (1936) 136. The full report of Professor Davis' committee printed at pages 332 to 336 of the 1936 HANDBOOK contains at page 333 a verbatim excerpt from the *Report of the Committee on Cooperation with the Association of American Law Schools* referred to in note 6 *supra*.

<sup>8</sup> This matter of the educational qualifications of law librarians has, of course, been discussed many times in the past. See especially Hicks, *The Widening Scope of Law Librarianship* (1926) 19 L. LIB. J. 61, especially 64-67, 20 A. L. A. BULL. 564; *Educational Requirements of Law Librarians* (1930) 23 L. LIB. J. 62, (1929) 15 A. B. A. J. 699; Roalfe, *Status and Qualifications of Law School Librarians* (1936) 8 AM. L. S. REV. 398. See also Beardsley, *Survey and Report of the Committee on Education for Law Librarianship* (1936) 29 L. LIB. J. 199, especially 210-212; Beardsley, *Education for Law Librarianship* (1936) 30 A. L. A. BULL. 168; Williamson, *Plans for the Training of Law Librarians at Columbia University* (1937), 30 L. LIB. J. 261; *Columbia University School of Library Service Offers Course in*

are making a study<sup>9</sup> of the educational qualifications and salaries of persons now in law school library service, together with a further study of the qualifications to be expected of the "ideal" law librarian of the future. These committees will report at the next annual meeting of the American Association of Law Libraries.

In the meantime, in the absence of any present authoritative definition of a "qualified librarian," I shall not have the temerity to suggest that I am qualified even to the extent of formulating such a definition. My definition, therefore, is confined to the word "librarian," and in my humble opinion he or she should be an additional person<sup>10</sup> to be appointed to the staff of the law school whose *principal interests*<sup>11</sup> as well as whose "principal activities" are devoted to the library. By this I mean a person who is not (a) a student assistant, who is paid to "look after the library," and whose "principal activities" give every appear-

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*Law Library Administration 1938 Summer Session* (1938) 31 L. LIB. J. 65, giving at page 66 a description of the course.

The most recent article in print which includes a discussion of the educational qualifications of law librarians is the article by William R. Roalfe entitled *The Essentials of an Effective Law School Library Service* (1938) 31 L. LIB. J. 335 at 348-350.

<sup>9</sup>American Association of Law Libraries Committee on Cooperation with the Association of American Law Schools, Chairman for 1938-39, Miss Lucile Elliott, Law Librarian of the University of North Carolina; Special Committee on Education for Law Librarianship, Chairman for 1938-39, Miles O. Price, Law Librarian of Columbia University.

See *Report of Committee on Cooperation with the Association of American Law Schools* (1938) 31 L. LIB. J. 235 at 236: "... We also advise that an effort be made by this Association to formulate a definition of the term 'qualified librarian' and that a more extensive study of the problem of salaries of law librarians be made and the scope of the inquiry broadened to a greater extent than it has been possible for the Committee on Statistics to do, to the end of raising the professional standing of the law librarian and adequately compensating the qualified librarian for the proper and efficient management of the library."

<sup>10</sup>Professor Hicks, speaking before the 1936 Round Table on Library Problems, said: "... it would seem to me, taking the long view of what we are trying to accomplish, that we would do better to interpret that to mean that there should be an additional person on the staff of the law school who would devote himself to the library. . . .

\* \* \*

"Then as to the type of person who would be appointed at the outset: suppose it was a person not especially strong, neither a lawyer nor a library-trained person? If the additional recommendations are adopted, and the librarian is required to become a member of the American Association of Law Libraries and attend its annual meetings, this young librarian who is coming into the work will receive assistance from the Association.

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"I believe if we start out by requiring additional persons as librarians and then, through this Round Table and through the American Association of Law Libraries, help those persons to be better qualified that gradually the whole standard of law librarianship, even in the quite small and relatively less well supported schools, would become higher. . . ." *Association of American Law Schools Proceedings of the Round Table on Library Problems, 1936*, 30 L. LIB. J. 1 at 20-21.

<sup>11</sup>After writing this paper I noted with interest that the report of the committee quoted in note 6 *supra*, included this same idea in the following phrase: "... a librarian whose *major interest is the library itself* and whose principal activities are devoted . . ." (italics added) 29 L. LIB. J. 140.

The following statement made by William R. Roalfe in a recent article expresses very much better than I can what I mean by *principal interests*: "A good librarian cannot be half-hearted or apologetic about his work. He must believe in it and actually prefer it to that of his colleagues on the faculty." Roalfe, *The Essentials of an Effective Law School Library Service* (1938) 31 L. LIB. J. 335 at 352.

ance of being "devoted" to the library, but whose principal interests as a matter of fact, and quite logically so, are given over to his law school studies, or (b) a law school professor, whose teaching load is lightened by the dean in order to enable the professor to devote his "principal activities" to the library, but whose heart and soul very naturally is in his teaching and in the research which he has long been trying to complete for that law review article or that book in his chosen field, or (c) a secretary of a law school who must interview students, pass on applications for admission, record and send out grades, assist the dean, and at the same time devote his "principal activities" to the library!

In enumerating briefly these three case histories I want to emphasize with all the vigor of which I am capable that I am a strong advocate of the interpretation which I have just given to the new requirement of the librarian in the member schools, not only because I believe in it in principle, but also because in my fifteen years of library work I have had experience in each of these part-time, divided-interest arrangements which I have just cited.<sup>12</sup> And during this time I have seen our library problems become more serious and more expensive to solve. Based on this personal experience I will even go so far as to say that I confidently believe that some of your problems will be solved completely and others certainly will become less pressing if you adhere to the spirit as well as the letter of this new requirement and appoint in your law schools a librarian whose *principal interests* as well as whose "principal activities" are devoted to your libraries. What I shall tell you now about my approach to problems in the law library of The George Washington University is, for the most part, a statement of the work which I have done since my appointment as full time law librarian, when I was able to devote all of my time, interest and energies to the law library. It is important also to record here that the date of my appointment as full time law librarian coincided with the date of my admission to membership in the American Association of Law Libraries. The help and inspiration which I have received from my colleagues in the law library association have been invaluable to me.

What are the problems in the smaller law school libraries? The problems

<sup>12</sup>The views expressed here and in (a), (b) and (c) above are my own. However, the discussions in the meetings of the Association of American Law Schools on the amendment requiring a qualified librarian in the member schools seemed to indicate that the librarian may also engage in other work. See ASS'N AM. L. SCHOOLS, HANDBOOK, (1936), p. 137, remarks of Dean Fegtly and Professor Davis.

See also ASS'N AM. L. SCHOOLS, HANDBOOK (1937) p. 41, remarks of Secretary Arant, as follows: "I should say if he devoted most of his time to the library, it would satisfy this requirement, whether he did something outside of the school, or whether he taught part-time or whether he might do a little secretarial work for the dean. The requirement, as I understand it, is that most of the time must be devoted to the library."

But see also remarks of Professor Hicks at the 1936 Round Table on Library Problems: "He might give a course in Legal Bibliography or in some other subject for which he was especially qualified, but if he did devote himself chiefly to the library it would soon grow into a full-time job and these books which are required to be on the shelves would begin to be used. . . ."

"The requirement that he would devote himself 'chiefly to the library' should grow into 'exclusively to the library' when the library gets important enough, . . ." 30 L. LIB. J. 1 at 20.

are legion, but the principal ones, as I conceive them, fall under two general headings:

1. Problems with respect to appropriations for

- (a) books
- (b) binding

2. Problems with respect to administration and service.

I shall preface my discussion of problems with respect to appropriations for books by quoting the pertinent section of the Articles of Association which reads as follows: "Commencing September 1, 1932, for additions to the library in the way of continuations and otherwise, there shall be spent over any period of five years at least ten thousand dollars, of which at least fifteen hundred dollars shall be expended each year."<sup>13</sup>

Ten thousand dollars over a period of five years means an average expenditure of two thousand dollars per year. A study of the statistics compiled in 1938 by a committee of the American Association of Law Libraries<sup>14</sup> reveals that the average expenditure for books in thirteen member schools with libraries of less than 14,999 volumes, which I take it are the libraries of the smaller member schools, for the year ending June 1937 was \$2,332.78; that of this amount an average of \$1,166.85 was spent for continuations and an average amount of \$1,165.93 for other books.<sup>15</sup> These figures represent the expenditure of relatively small sums of money, but, because of this very fact, I would beg leave respectively to disagree with the faculty member who in his remarks before the 1936 Round Table on Library Problems said: "It is my experience that where the amount of money you have to spend is limited—I think my budget was \$2,500 a year—that lack of money makes your work comparatively simple because you can only go so far with \$2,500 a year. So I believe that in the long run it will work better to have it handled by a faculty man."<sup>16</sup> This, I strongly suspect, represents the point of view of many a faculty man who at some time in his

<sup>13</sup> ASS'N AM. L. SCHOOLS, HANDBOOK (1937), Articles of Association, 365 at 370 (Article 6).

<sup>14</sup> Subcommittee on Law School Library Statistics. These statistics for the year ending July 1, 1937 have not been published. The last published statistics, for the year ending July 1936, are printed in 30 L. LIB. J. 485 at 486 (July 1937).

<sup>15</sup> Based on the continuation costs in my own library. I am inclined to question the accuracy of these figures. In my library the average cost of my continuations for the past few years has been \$2,100, leaving a balance of \$400 for "other books," in a total budget of \$2,500. However, the difference in continuation costs in my own library and the others from which the figures were taken may be accounted for by the fact that my library had 19,591 volumes at the time my figures were reported in July 1937.

It also may be pointed out that at least some of the smaller libraries during the past few years have been purchasing sets of state reports and other required sets which at the time of purchase are of course designated as "other books" and which consume a large proportion of the budget. See Strickland, *Expenditures in a Small Law Library* (1938) 31 L. LIB. J. 289, especially 291 giving amounts spent for state reports, 1933 to 1938.

<sup>16</sup> *Association of American Law Schools Proceedings of the Round Table on Library Problems, 1936*. 30 L. LIB. J. 1 at 16-17.

teaching career has served either as chairman of the faculty committee on the library or as the faculty member in charge of the library. But it emphatically does not express a librarian's point of view, particularly a librarian in a smaller school who knows that an extremely important part of his job as librarian is to make this \$2,500 *go farther!* How is this done? It can be done by careful buying, taking advantage of whatever discounts are available, by the exchange of duplicate material with other librarians and with law book dealers, and by accepting and utilizing in the most profitable way all gifts made to the library.

Even on your continuations you can effect some savings. I found that I could obtain my current periodicals at a total saving of \$140 a year by placing the renewals through a subscription agency<sup>17</sup> instead of obtaining them by exchange with the publications office of the University. I also discovered that Lewis Morse of Cornell was correct in his statement that savings on continuations to sets of state reports could be made by doing "a little personal scouting."<sup>18</sup> After you have carefully planned your continuation orders and effected as many savings as possible on them, suppose you have a balance left in the appropriation of say \$1,000 for "other books."<sup>19</sup> What will you buy with this balance? No less an authority than Dean Wigmore has suggested that each year the librarian "indicate the proportion of the budget which he will expect to spend for various subjects,"<sup>20</sup> and in this way help to build a well-rounded collection

<sup>17</sup> See Morse, *Effecting Some Economies* (1938) 31 L. LIB. J. 278 at 284-286 for a discussion of ways of effecting economies on periodicals. Following the suggestion of Dr. Beardsley as stated at page 286 I was able to get our publications office to sell the exchanges to me at the same rate quoted to me by the subscription agency. Some libraries are fortunate enough to receive their periodicals free from the publication offices of their universities. Many, however, must pay the current subscription price for each exchange. The publication offices certainly should be willing to cooperate with the libraries by giving them the wholesale rate they give to dealers or the subscription agencies' rate.

<sup>18</sup> *Id.* at 307. See also p. 283. "It is my contention that each separate expenditure for state reports should be investigated to see if a lower price cannot be found. . . . If you buy all of the current state reports, you will be surprised by the amount that can be saved as a total sum by more careful purchasing. . . . Therefore, you should adopt a policy of direct buying."

<sup>19</sup> This seems to me to be a considerable sum of money available, after paying continuation costs, for "other books," but it is based on the committee's figures referred to in note 14 *supra*. As I have said in note 15 *supra* I, for a number of years, have had the meager average sum of \$400 to spend for "other books" and thus have been forced to effect as many economies as possible. This leads me to conclude that the problems in my library may be even greater than those in the "smaller member" libraries. I should add here that a trust fund for law books subscribed by law alumni of the university in 1925 enabled me to purchase certain major sets, state reports, etc., which could not have been otherwise obtained.

<sup>20</sup> Wigmore, *The Duty of the Members of the Faculty to the Librarian and the Duty of the Librarian to the Members of the Faculty*, (1937) 30 L. LIB. J. 2 at p. 5. See also Dean Wigmore's statement *ibid.* as follows: "Every year he [the librarian] should make a budget based on the various groups of collections and in that budget, judging by former experience and taking the amount available for the ensuing year, he should allot the various subjects rateably in the light of experience and faculty opinion." See also, Orman, *Book Buying and Bookkeeping*, (1938) 31 L. LIB. J. 296 at 298.

and restrain over-concentration in any one field. Having selected<sup>21</sup> which books you will buy, you must have in mind before placing an order that you can obtain a discount of 6 per cent on an order for textbooks amounting to \$35.00 or more.<sup>22</sup> Do not buy one book at a time in a haphazard manner, but make your selection carefully and place an order for several books at a time so that you may have the benefit of this discount. The saving which you thus effect will buy another book for your library.<sup>23</sup>

Let us now take a hypothetical case in the average library of a smaller law school; you have set aside the proportion of your budget to pay your continuations to the end of your fiscal year; you have effected all the economies possible,<sup>24</sup> and you have spent the balance left for "other books." Will you conclude that since the funds for the year are exhausted that no more books or materials can be acquired until the new budget is released next year? If you are a librarian whose principal interests are devoted to your library you will know that you have a wonderful opportunity to build up certain important collections by the exchange of duplicate materials with other librarians.<sup>25</sup> Your collection of legal periodicals is one which you can build up by exchange and with the increasing scarcity of many of the earlier volumes in some of the sets it is the only way you can acquire them. In this connection, those who were in attendance at the 1937 meeting at the time of the presentation of the amendment providing that the library shall have "at least ten legal periodicals of recognized worth, complete with current numbers"<sup>26</sup> will recall that Professor James of the Harvard University Law School inquired "... how is a school

<sup>21</sup> For a comprehensive and helpful article on book selection see Morse, *Book Selection* (1937) 30 L. LIB. J. 333-339, and discussion on this subject *id.* 339-350. See also, Roalfe, *The Essentials of an Effective Law School Library Service* (1938) 31 L. LIB. J. 335 at 343-344.

Of course, it is presumed that in making your book selections you will first buy those books and sets of books required by the Association of American Law Schools. One type of book not required by the Association but which in my opinion is essential to effective research work is the Citator. Every library, I feel, ought to have *Shepard's Citations* to the units of the National Reporter System and to the U. S. Reports.

<sup>22</sup> There are also discounts allowed for cash in thirty days, which in many university libraries are credited to the law book fund. See discussion, especially footnotes, 31 L. LIB. J. 298-299. See also Long, *Order Routine* (1937) 30 L. LIB. J. 351 at 352: "By ordering in large quantities from a jobber the library will usually receive a substantial discount, and through the consolidation of shipments, transportation costs will be reduced to a minimum."

<sup>23</sup> See Morse, *supra* note 17, at 283: "If you can save the price of only one new book through such discounts, you have to that extent stretched your buying power."

<sup>24</sup> The members of the American Association of Law Libraries hope that within the next year or two that it will be possible to effect economies in addition to those now generally known and mentioned in this paper. The Association through its Special Committee to Study Cooperative Purchasing is making a study of the possibilities of group purchasing. The Committee was appointed as a result of a recommendation made by Lewis Morse, Law Librarian of Cornell University. See 31 L. LIB. J. 287, 288 and 294.

<sup>25</sup> See Morse, *supra* note 17, at 279-282. See also Strickland, *Expenditures in a Small Law Library* (1938) 31 L. LIB. J. 289-293; and Elliott, *How to Build a Law Library without an Appropriation* (1935) 28 L. LIB. J. 64 at 66.

<sup>26</sup> This requirement is now a part of Article 6 of the Articles of Association, see Ass'n AM L. SCHOOLS, HANDBOOK (1937) 370.

which does not have them going to get them. They are mostly out of print."<sup>27</sup> Professor James is quite right for there are some periodicals like the early volumes of the *YALE LAW JOURNAL* which it seems are impossible to obtain anywhere. However, it has been my experience that many sets can be built up by exchange.<sup>28</sup> When I became librarian we had in our library six complete sets; we now have seventy-four, completed for the most part through exchanges. The contents of one of my volumes represents, geographically speaking, the far west, the middle west, New England and the south, for the single issues which finally became united at The George Washington University to complete this volume came from my library friends in these various sections of the country. It takes time and patience but it can be done and it is every librarian's duty so to complete sets whenever possible. Prior to this year exchanges of duplicate periodicals have been carried on between individual librarians, but in order to facilitate these and other exchanges there recently has been established at the University of California Law Library an American Association of Law Libraries' Book and Periodical Exchange<sup>29</sup> which will serve as a clearing house to apprise librarians of the location of duplicate material in other libraries.

In addition to periodical material for exchange there are other duplicate materials which doubtless come into your library by gift from alumni<sup>30</sup> which may prove to be a virtual gold mine. I shall tell you another one of my personal experiences to give you an example of what I mean by "gold mine." In the late fall of 1936 at the time the cumulative District of Columbia Digest (12 volumes, \$100) was announced as "ready" my account book showed that most of the balance left in our budget was earmarked for continuation bills to come due. We already had spent<sup>31</sup> for textbooks a substantial part of the meager amount

<sup>27</sup> ASS'N AM. L. SCHOOLS, HANDBOOK (1937) 42.

<sup>28</sup> Many other librarians are, of course, also constantly engaged in these exchanges of periodicals. See *supra* note 25: Morse at p. 284; Strickland at p. 293; Elliott at p. 66: "The North Carolina Law Review allows current issues and whole sets to be exchanged with other periodicals."

<sup>29</sup> For a description of the Exchange and how it will operate see Dabagh, *Plan for the Establishment and Operation of an American Association of Law Libraries Book Exchange* (1938) 31 L. LIB. J. 222-223 and 262. See also notice in 31 L. LIB. J. 358 urging librarians to submit their "want" and "exchange" lists at once to the Law Library, University of California, Berkeley, California.

<sup>30</sup> For an account of successful appeals to alumni of the Harvard Law School see remarks of Professor Eldon R. James made at the American Association of Law Libraries Institute on Law Library Administration, St. Paul, Minnesota, June 30, 1938, reported in 31 L. LIB. J. 279-280. See also statements of other members at pages 281-282.

<sup>31</sup> It is my personal advice to librarians to spend as much of their budget as possible (holding a small amount for emergency purposes) early in the academic year. If the account books show that a large amount is not spent until the last few weeks before the university's fiscal year ends, a university budget committee may quite properly assume from such a showing that the entire amount allotted was not really needed, and might cut the amount allotted for the succeeding year. I know of at least one instance where this happened. For bookkeeping suggestions see Orman, *Book Buying and Bookkeeping* (1938) 31 L. LIB. J. 296 at 298: "Expenditures analyzed by time of purchase is also enlightening. A chart showing the monthly balances remaining in each fund throughout the year is very helpful. Do we spend all of our money in the fall? Or do we loaf during the year and lump most of our orders during the last few weeks of the fiscal year?"

left over from continuation costs. We needed this digest for our library and even if we waited until the new budget was released the following September we knew, that, then, we could not afford to spend \$100.<sup>32</sup> I obtained the twelve volumes of the District of Columbia Digest together with \$80.00 worth of other books by exchanging with a law book company volumes 1 to 18 of the Opinions of the Attorneys General of the United States. We had a complete set of these opinions in our library and this duplicate run of volumes 1 to 18 had come in by gift. They were old and shabby and many of them coverless, but I knew their value because like many other librarians I watch the second-hand dealers' lists.<sup>33</sup> I cite the above example not only to show how you can make your small budget go farther, but also to bring out the point that a librarian should always accept any proffered gifts.<sup>34</sup> Sometimes the material you get in by these gifts looks pretty worthless and some of it is, but during the many years I have had the privilege of serving The George Washington University I have never once failed to find something of value in the various lots of books and periodicals which from time to time have come to us as gifts. I keep a record in the back of my account book of the money value of these exchanges of duplicate materials

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<sup>32</sup> See *supra*, note 19.

<sup>33</sup> See the remarks of Miles O. Price, Law Librarian of Columbia University, made at the American Association of Law Libraries Institute on Law Library Administration, New York City, June 24, 1937, 30 L. LIB. J. 359 at 361: "We take check lists, for instance, the check lists of the bar association journals, the check lists of the attorneys general, and so forth, and every time we get a quotation, whether we intend to buy the item at that time or not, we note down the price quoted and the dealer. The result is that when we want to buy that item or when a quotation comes in which we know to be exceedingly advantageous and we are in a position to buy it, we are able to check up and see whether it is advantageous or not. It also gives us a pretty good line on the relative prices that the dealers are likely to ask." This excellent advice of Mr. Price can be used for selling purposes as well as buying.

<sup>34</sup> Dean H. Claude Horack, long an advocate of improved law school library standards, has, in my opinion, a more thorough knowledge of and a more sympathetic approach to law school library problems than, perhaps, any other law school faculty member. However, I feel that certain statements made by him relative to gifts might tend to make an inexperienced librarian reluctant to accept a gift from "some lawyer's widow." "The result was a large collection of obsolete textbooks, old digests, encyclopedias, and broken sets of reports." Horack, *The Small Law Library and the Librarian* (1937) 30 L. LIB. J. 6 at 7-8. These gifts should, of course, be utilized wisely and not placed by the lot on the shelves of your library with the expectation that an examiner for the Association of American Law Schools will count all of them as a part of your collection. That is doubtless the point Dean Horack wanted to have conveyed by his statement. On the other hand, as I have said in the text of my remarks above, I have never failed to find some books or periodicals of value in gifts which have come to our library; some which could be placed immediately on our shelves others which I have used for exchange. Even if it is a "broken" set of reports, if it is a standard set keep it for completion either by some later gift, or by purchase, if you can do so economically. For years we have had on our shelves an incomplete "gift" set of the United States Circuit Courts of Appeals Reports (vols. 111 to 171). Last year I completed this set by purchase of volumes 1 to 110 at a very reasonable price. In addition to the two sets of state reports mentioned in the text of this paper I am now working toward the completion of a third set (Ohio), which we received by gift eight years ago in the form of a long but broken run from the reporter. Recently I purchased at ten cents a volume the volumes needed to complete the run to volume 91. Some day I will complete this set to date. In other words do not let the "bogey" of a "broken" set intimidate you into non-acceptance of a gift.

and for the past three years these records show that I have acquired \$458.45 worth of books and periodicals by exchange.

Many of the books which I have received by gift prove valuable additions to our own library, and these, of course, are not offered for exchange. Our collection of biographies, legal essays, etc., has been built up largely through gift.<sup>35</sup> This material, constituting what we librarians term the "literature of the law," enriches your library and the average smaller law school library with its limited funds cannot afford to buy very much in this field. Two sets of our state reports have been completed to date by virtue of gifts<sup>36</sup> of a long run beyond the reporter to a volume recent enough that we felt we could afford to buy the reports from that point to date.

The second problem under library appropriations pertains to money for binding, which, in my opinion, is equally as important as money for new books. In my experience it has been one of the most neglected of all budget items. I believe I am correct in saying that in the average smaller law school library an amount is designated in the budget for books, and an amount for binding, the latter usually being a pitifully small amount. The statistics compiled in 1938 by a committee of the American Association of Law Libraries show that the average amount expended for binding in seventeen member school libraries of less than 14,999 volumes in 1937 was \$149.23.<sup>37</sup> I would urge librarians to try first of all to obtain an increase in the appropriation for binding, even though no increase will be given for books. If the increase for binding is not given, then I would recommend that you attempt to obtain approval from your administration to use for binding a part of the budget designated for books. This suggestion of mine may appear to be a radical one in view of the Association requirement that "at least fifteen hundred dollars" shall be expended each year for "additions to the library in the way of continuations and otherwise."<sup>38</sup> However, I am strongly of the opinion that more attention than has been given in

<sup>35</sup> A large number of these came to us by gift from Charles Warren, Esq. Many of these books were used by him at the time he was writing *THE SUPREME COURT IN UNITED STATES HISTORY* (1922, Little, Brown) 3 volumes.

<sup>36</sup> One of these, *Virginia Reports*, was part of a bequest of books from a "lawyer's widow" (Will of Emma K. Carr, 1931—Library of Captain Henry Carr, Morgantown, West Virginia). See *supra* note 34. That gift included also a set of Hening's *Statutes of Virginia* and other valuable material.

<sup>37</sup> Subcommittee on Law School Library Statistics. (These statistics for the year ending July 1, 1937 have not been published. The last published statistics, for the year ending July, 1936, are printed in 30 *L. LIB. J.* 485 at 486.)

Of the amount quoted above fifteen reported an average of \$84.79 was spent for binding new periodicals and eleven reported an average of \$97.73 for rebinding and repairing. The Executive Committee of the Association of American Law Schools permits the amounts spent for binding volumes of new periodicals to be counted as part of the amount (\$1500) required to be spent each year for "additions."

<sup>38</sup> Italics added. *ASS'N AM. L. SCHOOLS, HANDBOOK* (1937) 370. The Executive Committee of the Association has construed this to mean that rebinding costs cannot be counted as a part of the \$1500 required to be expended each year and in view of the wording of the present provision of the Articles of Association this would seem to be a proper construction. But see *supra* note 37.

the past should be given to the problem of funds for binding. The emphasis always has been placed on additions and new books. I would like respectfully to suggest that this problem of binding-needs be called to the attention of the Executive Committee of the Association of American Law Schools and that if necessary to assist the smaller member schools in obtaining budget increases for binding it be recommended that an amendment be made to the present Article 6 of the library requirements of the Association of American Law Schools, which would specifically require that an amount be expended for binding in addition to the \$1,500 now required for "additions."<sup>38a</sup>

In other words, it seems to me that if you have a library of 10,000 or more volumes and your funds are limited that you should protect the investment already made in the library by preserving through binding the materials which you have, even if this means that you cannot buy *any* new books except continuations for a year or two. All of your libraries have state reports to the reporter, the majority of which are bound in sheep. The life of many of these original bindings can be prolonged by oiling and greasing,<sup>39</sup> which, of course, should be done, but there comes a time when certain volumes must be rebound.<sup>40</sup> Do not allow these volumes to be neglected because many of them cannot be replaced. Of equal if not greater importance are your volumes of periodicals, which should be watched carefully, mended and repaired and rebound when they have passed the stage when repairing alone will preserve them.

Another important binding "must" is to have your current periodicals bound immediately upon the completion of a volume.<sup>41</sup> It is my belief that carelessness

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<sup>38(a)</sup> A motion to this effect was made by Miss Newman during a discussion on binding problems which followed her address. The motion was not adopted but a substitute motion presented by Dean Malcolm R. Doubles, T. C. Williams School of Law of the University of Richmond, was adopted as follows: "Resolved: That the Round Table on Special Problems of Smaller Schools request the Executive Committee of the Association to approve the following: 'Wherever a school spends in excess of \$1500 in any year for library accessions and binding legal periodicals, such school may charge against such excess an additional amount not to exceed \$150 for binding and repairing books which need such treatment.'" Editor's note.

<sup>39</sup> See Wire, *Leather Preservation* (1928) 21 L. LIB. J. 103; *A Small Binding Plant in the Building* (1933) 26 L. LIB. J. 25, 39. See also Morse, *supra* note 17, at page 287, in which Mr. Morse makes the quaint but very true statement: "It has been proved that oiling and greasing old sheep and calf bound books preserves their life. We cannot allow our shoes to go unattended for fifty years, much less can we expect these leather coverings to last without attention."

<sup>40</sup> Prior to the time when your books reach the stage where they must be rebound many of them can be *repaired* by a process which costs less than half the amount charged for rebounding the volume. I have had a large number of the volumes in my library repaired by this process and have found it very satisfactory. In having rebounding done care should be exercised to have good binding done and at a reasonable price.

<sup>41</sup> Loose leaf binders will protect your current periodicals and reduce the losses of single issues. There are several of these binders on the market. For the past year I have been using a binder manufactured by the C. E. Sheppard Co., 4401 Twenty-first Street, Long Island City, New York. The average cost of one of their binders is \$2.85. If you will buy several binders each year for your most frequently used periodicals you will find it money well invested.

in this regard more than lack of money for binding,<sup>42</sup> in many of the smaller law school libraries where for years there was no librarian, has resulted in the broken and incomplete sets of periodicals so common today and which, as I have stated earlier in this paper, are now so hard to complete.<sup>43</sup> In my own library the records showed that certain periodicals were received currently but all I could say, when I started to build up these sets a few years ago, was, to quote the title of a department of a popular non-legal magazine, "Where are they now?"

In addition to your periodicals there are other extremely important pamphlet materials which should be preserved through binding, but if you cannot afford this year or next year to bind them, collate them, tie them up and watch them relentlessly until you can have them bound. I would like to stress especially the desirability of binding your preliminary drafts of the Restatements.<sup>44</sup> As you know, the explanatory notes and commentaries were not reprinted in the final drafts and in the bound volumes of the Restatements. For reference and research these notes and commentaries are invaluable. I have had frequent calls for them in my library and on two occasions I have had the privilege of loaning these to the Library of the Supreme Court of the United States for the use of the Justices.

So much for appropriations for books and binding and ways and means of effecting economies and protecting your investment. There are many helpful articles on these topics in the pages of the *LAW LIBRARY JOURNAL* to which I have made reference in the footnotes appended to this paper.

The second general heading of problems which I have chosen to discuss includes administration and service. And in introducing this topic I again would beg leave respectfully to disagree with another faculty member who during the discussion at the 1937 meeting on the amendment requiring a qualified librarian in all Association schools asked: "I would like to inquire what the necessity of a qualified librarian is in a library to be composed entirely of reports which more or less automatically renew themselves?"<sup>45</sup> Dean Arant, then Secretary of the Association, in his tactful and gracious way declined to answer this question by saying "... that is one question that you are not entitled to address to the Secretary."<sup>46</sup> But if I am not barred by laches I would like to answer this now by saying in the first place that there are a number of reports which do not

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<sup>42</sup> Of course I fully appreciate that lack of money for binding certainly has contributed to the neglect of periodicals. See *supra* note 37.

<sup>43</sup> See *supra* notes 27 and 28.

<sup>44</sup> A check list of these preliminary drafts of the *RESTATEMENTS*, including explanatory notes and commentaries, is now being prepared by Miss Marianna Long in the Duke University Law Library and will be published in the May number of the *LAW LIBRARY JOURNAL*. Librarians who have not yet bound the Restatements are advised to check their sets, tie them up and check their holdings against this check list before having them bound.

<sup>45</sup> *ASS'N AM. L. SCHOOLS, HANDBOOK* (1937) 42.

<sup>46</sup> *Ibid.*

"automatically renew themselves";<sup>47</sup> at least if they do the "automatic renewer" was out of order during those years at The George Washington University when a long, too-expensive-now-to-be-filled-in gap occurred in our Law Journal Reports, when our Public Utilities Reports lagged years behind the date of the current volume and when, as previously mentioned, many of our current periodicals were buried in the depths of various professors' offices, never again to see the light of day!

In the second place, and this is the point I particularly want to bring out in answer to the faculty member's inquiry, the Association requirement reads: ". . . it shall own a law library of not less than ten thousand volumes, which shall be so housed and administered as to be readily available for use by students and faculty."<sup>48</sup> You will recall that the original requirement merely stated: "It shall own, or have convenient access to . . ."<sup>49</sup> This present requirement, then, means a good deal more than did the old one. And I cannot do better here by way of supplying an interpretation of this provision than to quote from an address made by Dean Horack at the 1936 Round Table on Library Problems as follows: "The great need of the small library is a competent librarian. . . . Without him are the books readily available for students and faculty?"<sup>50</sup>

The first step toward making the books "readily available for use" after they have been acquired, accessioned and placed on the shelves is to catalog<sup>51</sup> them. My librarian colleagues who may be present at this meeting will doubtless think this a very naive statement for me to make, but I make it as I have made other statements in the course of my remarks today because of personal

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<sup>47</sup> And, of course, it should also be pointed out here that the Articles of Association specifically enumerate other types of books which the libraries are required to have in addition to reports, i.e., statutes, digests, encyclopedias, treatises of accepted worth, ten legal periodicals complete with current numbers. *Op. cit. supra* note 45, at 370. Articles of Association, No. 6.

<sup>48</sup> *Supra* note 45, at 370. (Italics added)

<sup>49</sup> The very first library provision in the Articles of Association (1900) reads: "It shall own, or have convenient access to during all regular library hours, a library containing the reports of the State in which the school is located and of the United States Supreme Court." 23 A. B. A. REP. 572 (1900).

The provision with respect to administration was incorporated in Section 6 of Article VI in 1924: "It shall own a law library of not less than five thousand volumes, well selected and properly housed and administered for the use of its students." ASS'N AM. L. SCHOOLS, HANDBOOK (1924) 23, 50, 51. This section of the Articles was further amended in 1925 as follows: "Commencing September 1, 1927, it shall own a law library of not less than seventy-five hundred volumes, which shall be so housed and administered as to be readily available for use by students and faculty." ASS'N AM. L. SCHOOLS, HANDBOOK (1925) 85-87, and 129.

For an account of the history of the library requirements of both the Association of American Law Schools and the American Bar Association see Brownfield, *The Development of Law School Library Standards as Applied by Accrediting Agencies* (1937) 30 L. LIB. J. 22.

<sup>50</sup> Horack, *The Small Law Library and the Librarian* (1937) 30 L. LIB. J. 6 at 10 and 11.

<sup>51</sup> For articles on cataloging see especially Hicks, *Cataloguing and Classification in a Modern Law School Library* (1932) 25 L. LIB. J. 41; Moylan, *A Primer on Law Library Cataloging* (1936) 29 L. LIB. J. 156; Selected Bibliography, 167; Bassett, *Law Cataloging as a Specialized Field* (1937) 30 L. LIB. J. 499.

experience. I started my law library career in 1923 as a student assistant in a library then numbering approximately 10,000 volumes which was not cataloged. And I suspect there may be libraries today which either are not cataloged at all or do not have an up-to-date and adequate catalog of their holdings. In 1930 I had to catalog our library, then increased to 14,000 volumes, from scratch, so to speak, and when it was completed in 1931, while it was far from being a perfect catalog, it did make our books available to the users of the library. I would like to emphasize to deans in the smaller law schools the very urgent need of having a proper catalog made of their holdings before their collections grow any larger.<sup>52</sup>

To catalog a library of ten thousand or more volumes is, of course, a big undertaking for an inexperienced librarian, but as frosted foods and frigidaire now make easier the tasks of the inexperienced housewife so the work of the inexperienced librarian is being made easier each year by modern library techniques. The printed Library of Congress cards make a present-day catalog a far cry from the catalog of the past composed of cards written out in long hand. And within perhaps a year there will be available to both inexperienced as well as experienced librarians a most wonderful cataloging aid. Miles O. Price, the able and progressive Law Librarian of Columbia University who for the past two years has been giving the course in Law Library Administration at Columbia University, is now directing the preparation of a sample card catalog<sup>53</sup> for a library of 15,000 volumes. When completed it will be loaned to small libraries to guide the librarians in cataloging their collections or in revising and rebuilding their old catalogs.

The second step in making your books "readily available" after they have been cataloged is to stimulate and encourage in every way possible the use of these books.<sup>54</sup> Dean Horack put it this way: "We need someone who is a sales-

<sup>52</sup> One dean in a smaller school has recently expressed his enthusiastic approval of the increased use of the library which has resulted since a catalog was completed in his library in September, 1938. An article describing this cataloging project, Orman, *Reorganization of the Law Library of Baylor University*, will be published in the January, 1939, number of the *LAW LIBRARY JOURNAL*. (32 *L. LIB. J.* 16, and 20.—Editor's note.)

<sup>53</sup> Mr. Price has written me as follows: "I wish to use this as a teaching tool in the summer courses but I believe it would have a wider use as a loan catalog to small libraries. . . . I would loan this completed catalog of a 15,000 volume library, well done according to standard practice and containing many if not most of the actual titles found in the majority of the small libraries, to the library desiring it and it would form an excellent model from which to work. . . . [A]n intelligent person without previous cataloging experience should be able to catalog the library by using this sample catalog as a guide." Mr. Price is also preparing a *MANUAL ON LAW LIBRARY ADMINISTRATION* which will contain a very complete chapter on cataloging.

<sup>54</sup> See Hicks, *Law Libraries and Legal Education* (1928) 14 *A.B.A.J.* 678 at 679: "In other words, even books in large numbers may be of little use unless they are organized into a library and administered for use and service." See also Keeler, *Publicity for Law Libraries* (1937) 30 *L. LIB. J.* 370 and the discussion following at pages 374-381 for statements of a number of law librarians as to ways and means of stimulating the use of the books by the patrons of their libraries.

man of these wares so that they [the books] will be called for to the end that the law library will actually be the essential part of legal education which we have assumed it to be."<sup>55</sup> There are today in the law libraries of member schools a total of over 2,500,000 volumes of law books!<sup>56</sup> Should not this tremendous investment in law books be made to give the highest returns possible through use and service to law faculty men, law students, and the bench and bar of your community? A librarian in giving research and reference assistance to a faculty member frequently brings to his attention an important new book or article which in the usual course of events he might not otherwise see. Often, too, the librarian is able immediately to identify an obscure citation and run down a reference, thereby saving hours of a faculty member's time.<sup>57</sup>

In addition to these quite obvious forms of service to faculty members many librarians are now assisting their faculties by the preparation of bibliographies,<sup>58</sup> library bulletins containing lists of new books recently added to the library or recently published, the circulation of legal periodicals, and in at least one university library weekly digests of leading articles, case notes and comments in legal periodicals are prepared for the convenience of the faculty.<sup>59</sup> I do not believe faculty members in a law school where there is no librarian fully appreciate all the help that a librarian can be to them.

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<sup>55</sup> Horack, *supra* note 50, at 12. See also Hicks, *supra* note 54, at 679: "Lecturing and independent reading still have their proper place in education; but the most valuable results both for students and for the development of law come when the student gathers new material with which to test the validity of that which he has heard and read. This all involves books and more books. . . . And so law study advances by moving around a series of benign circles of each of which books form a necessary part. For such study the small school needs in its library as many different books or titles as does the large school. . . ."

<sup>56</sup> This is a conservative estimate based on the statistics questionnaires filled out for the American Association of Law Libraries by sixty-seven member school libraries reporting for the year ending July 1, 1937. Strickland, *Report of the Subcommittee on Law School Library Statistics* (1938) 31 L. LIB. J. 317 at 318. Since there were eighty-nine member schools of the Association of American Law Schools in 1937 (ASS'N AM. L. SCHOOLS, HANDBOOK (1937) 374-376) the figure 2,559,138 given in Miss Strickland's report could safely be increased to 2,779,138 volumes using the minimum of 10,000 volumes for the twenty-two libraries which did not report.

<sup>57</sup> For an exceedingly interesting and helpful article written by a librarian who is a reference assistant in one of the larger law school libraries see Hall, *Reference Work in a Law Library* (1938) 31 L. LIB. J. 238, *Bibliography of Aids in Reference Work* at pages 245-251.

The need for adequate research and reference assistance is by no means confined to the larger law school libraries. In fact it may be said quite properly that the need is even greater in the smaller libraries because the latter do not have all of the materials, original volumes of reports, etc., which the larger libraries have. I will cite one illustration of assistance of this kind which I recently gave to one of our faculty members. He had a citation to a volume of Nevile and Manning ("Collateral" English Reports, 6 vols. 1832-1836). These are not in the English Reprint and we do not have the original reports or the Revised Reports in which these reports are reprinted. I found the case in the set of English Common Law Reports by using the check list of the contents of that set printed at pages 101 to 104 of SOULE'S MANUAL (1884).

<sup>58</sup> Beardsley, *Some Phases of Law Library Administration* (1938) 31 L. LIB. J. 193, at 200-202.

<sup>59</sup> Falknor, *The Function of the Law School Librarian* (1937) 30 L. LIB. J. 13 at 15.

And the student also needs assistance not only in the use of books to which reference has been made in class and in the proper use of the digests, citators and indexes,<sup>60</sup> but he should be made aware of and encouraged to read those inspirational volumes of biographies<sup>61</sup> and legal essays now collecting dust on your library shelves.

The law school librarian's primary duty, of course, is to the law faculty and to the law students<sup>62</sup> but it seems to me that service to these two groups is not inconsistent with a wider service to the bench and bar of his community.<sup>63</sup>

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<sup>60</sup> See Roalfe, *The Relation of the Library to Legal Education* (1938) 31 L. LIB. J. 141 at 151: "But the formal course in legal bibliography is not only failing to meet the needs today because it is frequently ineffectively presented, but also because a substantial proportion of law school graduates have attended institutions where no such instruction is offered." And *id.* at 153-154: "In the foregoing discussion we have concerned ourselves almost exclusively with the relationship of the library to the formal teaching program. This, however, by no means exhausts the possibilities for the utilization of the library as a constructive factor. Its resources are, or should be, such that its service may also supplement all methods of formal instruction. . . ."

<sup>61</sup> Falknor, *supra* note 59, at 14: "It seems to me that to expose the student 'to a greater variety of human models from whom he might take nourishment,' as Dean Garrison recently expressed it, would be a very valuable undertaking, not only from the standpoint of character building, but as a source of genuine inspiration to the student, which certainly ought to develop in him a real sense of affection and respect for his profession. . . . It may not be feasible to present material of this character to the law student in any very systematic way. But the librarian can, at least, bring to the attention of the law students, in a more or less informal manner, the availability of biographical and historical material, and other material of even more popular character."

One book which I have recommended many times to law students is ROGERS, *AMERICAN BAR LEADERS* (1932). Like all of Professor Rogers' writings, the sketches in that book make a strong appeal not only because they are scholarly but because they are vivid and have a rich flavor of reality.

<sup>62</sup> This primary duty, in my opinion, ought to extend also to the members of the college faculty and the college students. The following statement made by William R. Roalfe in a recent article is pertinent to quote here: "The law school library which is failing also to fulfill its function as the law library for the greater University community is certainly missing a great opportunity." *Supra* note 21, at 351. This statement was made by Mr. Roalfe in connection with a discussion of the matter of autonomy and in which he further said: "For these reasons, the officers of any university interested in the development of its law school should see to it that this matter is definitely and satisfactorily settled, keeping clearly in mind the fact that outstanding success for the law school can hardly be expected under general library supervision unless there is at least a very substantial delegation of responsibility."

I have not attempted in this paper to discuss the important questions with regard to autonomy because this subject was fully discussed by Oscar C. Orman, Director of Libraries, Washington University, St. Louis, in his paper *Autonomy in Law Library Administration* given at the Round Table on Library Problems at this meeting of the Association. See *supra* page 60.

<sup>63</sup> Dr. Arthur S. Beardsley, Law Librarian of the University of Washington, is one of the strongest advocates of service of this character. See Beardsley, *Opportunities for Regional Law Library Service* (1935) 28 L. LIB. J. 132.

Hobart R. Coffey, Law Librarian of the University of Michigan, through the use of microphotographing plans to extend "our reference service in a manner and to an extent hitherto impossible. . . . The great help which our library and the State Library will be able to offer the members of the bar will be in supplying them through their regional libraries

By the prompt and courteous answering of reference questions, assistance in research and the actual loaning of volumes of books, where this does not interfere with service to the faculty and the students, a librarian not only can put the books into wider use<sup>64</sup> but at the same time can build up an untold amount of goodwill and prestige for the law school.<sup>65</sup>

I have been compelled by time limitations to speak briefly under each of the topics to which I have made reference but in discussing with you "Problems with respect to appropriations for (a) books, (b) binding" and "Problems with respect to administration and service" I have tried, by giving you a librarian's approach to these problems, to advance as subtly as I knew how the argument that Article Six of the Articles of Association as amended to require a librarian in your schools is a benefit and not an added burden to the smaller member schools. At least it certainly can be said that under this amendment the problems now besetting deans and professors in charge of libraries will be shifted from the weary shoulders of those who have held them so long to the shoulders of the librarians where they belong!<sup>66</sup> A librarian knows best what the problems are and because of his special training and experience he should know best how to solve them and if he does not know how to solve a particular problem his colleagues in the American Association of Law Libraries will assist him in every way possible.<sup>67</sup>

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with films of anything that we have." Coffey, *The Use of Microfilm in a Law Library* (1938) 31 L. Lib. J. 252, especially 254 and 258.

The Law Library, Appellate Division, Rochester, New York, was one of the pioneer libraries in service to members of the bench and bar, not only in New York State but in other states as well. See remarks of Frances D. Lyon, 26 L. Lib. J. 106: "I speak for New York again, and I refer to Mr. Rosbrook's library at Rochester. . . . We send our records and briefs to any lawyer within the State. We also send them outside the State. We have been doing that for at least twenty years." See also 30 L. Lib. J. 547 for notice of loans of these records and briefs.

<sup>64</sup> Beardsley, *supra* note 63, at 133: "In the opinion of those who advocate an extended library service there is little value in developing a storehouse of knowledge and learning if the books cannot be widely used. . . ."

<sup>65</sup> In this connection it can be pointed out, at the risk of being charged with indelicacy, that goodwill built up in this way will result frequently in gifts to your library by alumni and other friends of your law school whom you thus serve.

<sup>66</sup> I should add here in a more serious vein that the librarian should, of course, seek and receive the help and advice of the dean and other faculty members. See Roalie, *supra* note 60, at 155: "The development of an adequate library service under competent supervision will of course relieve the faculty of certain responsibilities with which they should not be burdened, but it is the fundamental thesis of this article that only through wholehearted cooperation between a competent library staff, whether it consists of one person or a dozen or more, and a genuinely interested faculty can the training provided for every law student be made adequate." See also Wigmore, *supra* note 20, at 5: "From the moral point of view I am hoping that the ideal librarian will have that authority but that he will use it so as to gather in the best opinion from the members of the faculty."

<sup>67</sup> See Hicks, *supra* note 10, at 21.

## CURRENT COMMENTS

**Social Law Library Held To Be Educational Institution**

The decision in *United States of America v. Proprietors of the Social Law Library* handed down on March 2, 1939 by the United States Circuit Court of Appeals, First Circuit, affirms the district court's decision in the case of *Proprietors of Social Law Library v. United States* (21 Fed. Supp. 462) as follows: "We think on the agreed facts and in the light of reason and of the authorities, that the Social Law Library of Boston is an educational institution and under Section 101(6) [of the Revenue Act of 1934] is exempt from the capital stock tax provided in Section 701 of the Revenue Act of 1934, 48 Stat. 680."

This case is important to all bar association libraries claiming exemption from the capital stock tax as well as exemption from the Social Security Act. Your Editor has been advised that Miss Dorothea Blender, Librarians' Department, Commerce Clearing House, Chicago, will be glad to supply librarians with mimeographed copies of the opinion.

**Vernon M. Smith Appointed Law Librarian of the University of California**

VERNON M. SMITH, A.B., LL.B., was appointed on February 1st Law Librarian and Assistant to the Dean of the School of Jurisprudence of the University of California. Mr. Smith succeeds Thomas S. Dabagh, who is now Librarian of the Los Angeles County Law Library. A graduate of the University of California, Mr. Smith was engaged in the general practice of law from 1931 to 1937 and later served as Secretary of the Committee on the Administration of Justice and as Assistant Secretary of the State Bar of California. Mr. Smith is a member of the Committee on Local Arrangements for the Thirty-fourth Annual Meeting of the American Association of Law Libraries to be held in San Francisco July 5th to 8th, 1939.

**Annual Reports of Law Librarians of Interest to the Profession**

Four reports of law librarians recently received by your Editor contain much material of interest to the law library profession. MR. RAYMOND C. LINDQUIST, Librarian of the New York Law Institute, in his report printed at pages 9 to 17 of the *Yearbook of the New York Law Institute 1938* tells of the extensive program of binding now in progress at his library. Librarians who are having difficulty in convincing their boards of the great need of funds for binding will be encouraged by Mr. Lindquist's statement that "the Executive Committee of the Library undertook a campaign to raise a special fund for the express purpose of binding. . . . The proper officers have already reported the amazing results that were achieved, some \$18,600.00 having been collected."

MR. ARIE POLDERVAART, State Law Librarian of New Mexico, in an address "The New Mexico Law Library: Services It Offers" published in the *Report of*

*Proceedings of the Annual Meeting of the State Bar of New Mexico Held at Albuquerque, October 14 and 15, 1938*, describes the services of his library to the members of the bench and bar of his State. That Mr. Poldervaart is not only giving a fine service to his patrons but in addition is alert to the needs of his library is evidenced by the report which he made in the course of his address to the effect "the library has conducted an exchange for its own duplicate volumes with other libraries which during the last eight months added approximately 750 volumes of new material to our library and that at an average cost of about \$4.00 per volume means an equivalent of \$3,000.00 worth of books." In connection with his program of exchanges Mr. Poldervaart pointed out the desirability of having current material to exchange and urged consideration of the publication of a state legal periodical, the need for which, he said, had first been voiced by the Honorable C. M. Botts as early as 1915.

MR. WILLIAM S. JOHNSTON, Librarian of the Chicago Law Institute, in his report contained in *The Chicago Law Institute Annual Report of the Officers 1938* lists a number of important new accessions to provide a check list for members of books received since the publication of the "Subject Index of the Chicago Law Institute 1902-1937." In addition Mr. Johnston describes the system of humidification recently installed in his library. He refers to the union law catalogue for Chicago which is now in the course of preparation and states that when completed this catalog is to be kept in the Library of the Chicago Law Institute.

MRS. ADELINE J. CLARKE, State Law Librarian of Montana, in her report published in the *Biennial Reports of the Chairman of the Board of Trustees and of the Librarian of the Montana State Law Library For the Years 1935-36 and 1937-38* tells us that the historical sketch of the Montana State Law Library, which appears in the same pamphlet, was assembled by her from notes and writings of the late Ashburn Kennett Barbour, former State Law Librarian. Fascinating indeed is that history of the early struggle of a now great state law library whose first books were provided by an Act of Congress of the United States which in 1870 appropriated \$2,500.00 for law libraries for five territories including Montana. It is believed that the first books arrived in Virginia City, the then capital, in the year 1871. Mr. Barbour records that in 1864 when President Lincoln appointed three judges to sit on the Montana Supreme Bench, "the only available law book was a paper bound pamphlet containing the Acts of the Idaho Legislature passed the previous winter. The moment Montana became a separate territory the Idaho laws lost all force and effect within the boundaries of Montana. No books, no libraries, no laws." In telling of his investigation in an effort to identify which volumes were in the old territorial library prior to the Act of 1881 which incorporated the Montana Library making it a department of state consisting of two divisions, the historical and miscellaneous division and the law division, Mr. Barbour discloses the interesting fact

that the books which were in the Library prior to the year 1881 were marked by the brand 'Montana' burned in the sheep binding.

### **Law Library Association of Greater New York Adopts Constitution**

The Law Library Association of Greater New York adopted a constitution and by-laws at its third dinner meeting held at the Hotel Wentworth, 59 West 46th Street, on February 6, 1939. President Lawrence H. Schmehl, Librarian of the New York County Lawyers' Association, presided at the meeting which was attended by thirty-five members and guests, including Miss Helen Newman, the Executive Secretary of the American Association of Law Libraries. Miss Newman spoke of the interest which she and Matthew A. McKavitt, Law Librarian of the Department of Justice, have in forming a local organization in Washington and referred briefly to the benefit and help that could be derived from exchange of information and stressed the advantage to law librarians in general of publicity of professional activities.

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THE REPORTS OF THE JUDICIAL COUNCIL OF MISSOURI will hereafter be published in the WASHINGTON UNIVERSITY LAW QUARTERLY and, according to Frank R. Kennedy, Editor of the Quarterly, there is a possibility that back reports will also be printed in that periodical. The fourth report of the Missouri Judicial Council is scheduled to appear in the April number of the WASHINGTON UNIVERSITY LAW QUARTERLY.

A *Check list of the Massachusetts Law Quarterly, 1915-1938*, is printed at pages 11 to 32 of volume 23, number 4 (October-December, 1938), of the MASSACHUSETTS LAW QUARTERLY. Mr. Howard L. Stebbins, Law Librarian of the Social Law Library, who compiled the check list of the Quarterly which appears in the July 1938 number of the LAW LIBRARY JOURNAL, has called to the attention of the Editor of the Quarterly an omission from the Quarterly's check list of the following: volume 1, number 4, supplement, August, 1916, a small number containing 5 memorials.

*The Codes and Code Makers of Washington, 1889-1937*, by Arthur S. Beardsley, Law Librarian of the University of Washington, was published in the January 1939 number of the PACIFIC NORTHWEST QUARTERLY. This article completes a series of three articles by Dr. Beardsley dealing with the history of the codes and statutes of Washington.

**THIRTY-FOURTH ANNUAL MEETING OF THE AMERICAN ASSOCIATION OF LAW LIBRARIES WILL BE HELD AT HOTEL EMPIRE, SAN FRANCISCO, JULY 5TH TO 8TH, 1939**

**MAKE RESERVATIONS NOW ON THE OVERLAND LIMITED  
LEAVING CHICAGO JULY 1ST**

**The Program in Brief**

The opening session of the Thirty-fourth Annual Meeting of the American Association of Law Libraries will be held at 10:00 a.m. on Wednesday, July 5th, in the San Francisco Law Library in the City Hall. Addresses of welcome will be followed by a response on behalf of the Association to be given by Dr. Arthur S. Beardsley, Law Librarian of the University of Washington and First Vice President of the Association. Miss Helen S. Moylan, Law Librarian of the State University of Iowa, will give her report as President of the Association and reports of the Executive Secretary and Treasurer and of the chairmen of standing committees will also be given at this opening session. After a tour of the San Francisco Law Library, the session will recess to meet at 2:30 p.m. at the Hotel Empire, the Headquarters of the Annual Meeting. The Association's third annual Institute on Law Library Administration is scheduled to open at the afternoon session with an address on social science material for law libraries to be given by Mrs. Bernita J. Long, Law Librarian of the University of Illinois. Several other prominent law librarians will participate in the round table discussion of this subject which will follow Mrs. Long's address. A report of the microfilm survey made by our Association for the Committee on Scientific Aids to Learning will be presented at the conclusion of the round table.

The Thursday morning session will be given over to a panel discussion of the reorganization plans of the American Library Association. Arthur S. McDaniel's report as chairman of the Joint Committee on Cooperation with the A.L.A. will be given and the panel speakers will include Oscar C. Orman, Director of Libraries of Washington University, Forrest S. Drummond, Law Librarian of the University of Chicago, and other speakers whose names will be announced later.

A visit to the University of California at Berkeley has been planned for Thursday afternoon. The delegates will have luncheon together at International House, followed by a meeting of the second session of the Institute on Law Library Administration. Lewis W. Morse, Law Librarian of Cornell University, will lead the discussion of his report as chairman of the Special Committee to Study Cooperative Purchasing of Law Books. After the meeting the delegates will visit the law library and later will have tea at Stephens Union.

A panel discussion of local law library service will take place at the Friday morning session, followed by reports of chairmen of committees. In the afternoon additional committee reports will be given, including the report of William R. Roalfe, Law Librarian of Duke University, Chairman of the Committee on

Expansion Plan, who will present for the consideration of the members amendments to the constitution and by-laws of the Association. One of these amendments will provide for the affiliation with the Association of local law library associations. The election of officers for 1939-40 will close the formal business of the Thirty-fourth Annual Meeting.

An all day trip to Stanford University is being arranged for Saturday, July 8th. The trip will be over the Twin Peaks, down the Skyline Boulevard, into Big Basin State Park, and back through Palo Alto. This is a beautiful drive through the best redwood section on the peninsula.

The complete program, together with further announcements concerning the visit to the University of California and the trip to Stanford University will be published in the May number of the LAW LIBRARY JOURNAL.

### **Hotel Empire Will Be Our Headquarters July 5th to 8th**

Room reservations should be made at once direct with Jack Balin, Assistant Manager of the Hotel Empire, our Headquarters for the Annual Meeting. The room rates are as follows:

Single room (1 person) .....	\$4.00 per day
Double room (double bed) (2 persons) .....	\$5.00, \$6.00 per day
Double room (twin beds) (2 persons) ..	\$6.00, \$7.00, \$8.00 per day

### **San Francisco Overland Limited Will Take Us West from Chicago on July 1**

In order that as many as possible of our group may travel together we have named the Chicago & North Western-Union Pacific-Southern Pacific as the official route to the Annual Meeting. We have arranged with them to place at our disposal special air-conditioned Pullman cars on the famous SAN FRANCISCO OVERLAND LIMITED leaving Chicago at 10:25 p.m. July 1st and arriving in San Francisco the morning of July 4th, 8:25 a.m. This schedule provides convenient connections at Chicago, Omaha and other mid-western points.

The equipment of this train includes the most modern type sleeping cars, drawing rooms, compartments, dining car, radio-equipped lounge-observation car and club car, all completely air-conditioned. Special features of this train include also a barber shop, shower, and valet service.

The round trip first class fare from Chicago to San Francisco is \$90.30. Tickets may be routed via Chicago and North Western to Omaha, Union Pacific to Ogden and the Southern Pacific to San Francisco, returning via the same route, or via Southern California, or the North Pacific Coast, and will permit stopovers at any point for any length of time within final return limit of three months from date of sale. Correspondingly low fares are available from other points.

The charge for a lower berth in a standard sleeping car between Chicago and San Francisco is \$16.55; upper berth, \$12.60; compartment for two, \$46.75; and drawing room for two, \$58.80. In order that sufficient accommodations may

be provided and desired space secured we would suggest that you make your reservations promptly as follows:

C. A. Miller, General Agent  
Chicago & North Western Railway  
Suite 723, Woodward Building  
Washington, D. C.

Please make the following reservations for me in connection with the Annual Meeting, American Association of Law Libraries, San Francisco, California, July 5-8, 1939:

Lower Berth	<input type="checkbox"/>	Compartment	<input type="checkbox"/>
Upper Berth	<input type="checkbox"/>	Drawing Room	<input type="checkbox"/>

on train leaving Chicago from the NORTH WESTERN station at 10:25 p.m., July 1st, 1939. Space will be occupied by ..... persons.

Name .....

Address ..... City .....

Telephone ..... State .....

### **Golden Gate International Exposition**

July 4th will be a gala day at the Golden Gate International Exposition. The Overland Limited will get us into San Francisco at 8:25 a.m. that day. This will give our delegates a full day in which to see the "Pageant of the Pacific" before our meeting begins on Wednesday morning. The Exposition which opened its gates on February 18th has already become renowned for its "industrial wizardry and theatrical pageantry." More than twenty-one foreign nations and thirty-nine states of the United States and its territories have answered the roll-call of the Exposition to participate in the grand pageant. In addition, a long list of industrial exhibitors are taking part in this official World's Fair of the Pacific.

Meet us in Chicago on Saturday, July 1st, travel west on the SAN FRANCISCO OVERLAND LIMITED and spend the day at the Golden Gate International Exposition on July 4th



## BOOK REVIEW

LAWYERS AND THE PROMOTION OF JUSTICE. *By Esther Lucile Brown. New York: Russell Sage Foundation. 1938. Pp. 302. \$1.00.*

This book is one of a series of studies dealing with professions in the United States. This study is the fifth and may be compared therefore with the early ones which dealt with Social Work, Engineering, Nursing, and the Medical Profession. In the text it is the medical profession which from the educational point of view provides the standards of excellence. The smaller size of medical schools and the lack of profit in a financial sense to a university from its medical school always meet with favor from experts in education. On the other hand many university law schools have been a source of profit to the universities, and proprietary law schools have likewise generally benefited their founders.

The present book begins with the profit prejudice and finds that in the colonial period lawyers were all but banished from the social life of the colony. However, by the revolutionary period the matured society found lawyers to be great public leaders. Their position of leadership and influence in the community developed greatly in the nineteenth century. In that expanding century lawyers were also able to make a lot of money and the demand for legal instruction for students brought about the creation of law schools in the larger cities. These schools were often associated with universities, but many of them on the other hand were private organizations intended primarily as money-making institutions for their founders and lecturers.

The fashion of writing a degree after one's name became of great importance for professional and public men, and those law schools attached to universities which granted degrees had in that feature alone an advantage over their private competitors. Also the association with the university usually brought about higher standards of education and of instruction. Harvard University was a pioneer in this field, and its golden age began with the discovery of Christopher Columbus Langdell by the new and youthful President Eliot. Dean Langdell and his associates introduced and perfected the technique of teaching law by the case method. They also produced case books which when made available for other schools brought about the general adoption of that method in both university and private law schools. The method while a great success when first introduced has been modified in recent years by the emphasis in curricula of many specialties which deal in detail with new legislative policies. The great issue for students of the legal profession is how to evaluate the educational processes still to be found in many diverse forms in an increasing number of law schools of both university and private origin.

The Association of American Law Schools composed of law schools of high ranking has attempted to establish minimum standards and much of the first section of the book deals with these standards as applied to privately owned or proprietary law schools, part time or night law schools, and mixed schools. The mixed schools have both full time and part time instruction. Despite the standards of the Association there is a conflict of ideas as to the value of instruc-

tion in the part time or mixed schools when compared with the full time schools even though the former are on the approved list. The proprietary schools alone have seemed to produce a unanimity of opinion, namely, disapproval by most members of the profession who are graduates of the approved schools. The proprietary schools remain unapproved.

The absence of a uniform law school curriculum as contrasted with the uniformity of medical schools' curricula makes it very difficult for the author, who is not a lawyer, to arrive at any definite conclusions. As professional schools must always train for professional eminence, any objective standards of education set up by persons outside the profession are bound to seem at times naive. Yet the problem of minimum moral and social standards is a fair topic for any writer surveying the legal profession. The social sciences from which we are supposed to learn these minima are losing some of their luster during these years of depression and not surprisingly the author is embarrassed in her attempt to find both a set of standards in the social sciences and a means of impressing upon law students the validity of such standards. In the end the medical profession with the tight control of its education by university authorities seems to be the rock to which the author chooses to cling. Yet at the present time the medical profession is having grave difficulties of both a social and economic nature. The excellence of its technical education has not spared the medical profession from the problems of these troublesome years.

New trends in legal education make a great appeal to the author by reason of novelty alone, and the technical problems of the effective professional training by these new methods do not appear within the contents of the book. So many and diverse types of law schools present many illusive pictures. Their libraries moreover, which are as valuable to them as the apparatus and hospital clinics of doctors, receive only passing mention in connection with quotations from survey reports on certain schools. The same thing is true of law librarians. There comes to mind the unhappy lament of a distinguished legal scholar that a famous law library consisted of a quarter of a million books and "all of them lost" because of the primitive nature of some law library catalogs.

The author next discusses national associations. She wisely measures them by what they have done, rather than by their programs and platforms. By this test the American Bar Association shows substantial achievements. These achievements are both in the realm of integrated organization, and in the sphere of clarification and amendment of substantive and procedural law. The Association also has been largely responsible for the development of the Association of American Law Schools, the American Law Institute, and the National Conference of Bar Examiners, as well as in some lesser institutions. The National Lawyers Guild has been too recently organized to measure its achievements by the same standard.

The lack of accurate statistics as to the number of lawyers in each community has made difficult for the author the task of evaluating the position of the legal profession. The well-known ills of overcrowding and low incomes are sympathetically discussed. The background material which is available supports

the author's thesis that the profession is probably unevenly distributed throughout the nation, rather than overcrowded for the country as a whole. New forms of professional organization are suggested which would employ lawyers of repute on a salary basis, or on standard fees to provide legal advice for persons of moderate income. This moderate income class now is in great need of adequate legal advice but is afraid of excessive charges by lawyers of high professional standing. The calculated average incomes indicate that organization of some kind to improve the professional position of young lawyers is a pressing need.

Weaknesses in the administration of justice are pointed out intelligently and with constructive suggestions for simplifying procedure and speeding up the work of the courts. Self discipline within the profession is given a sympathetic approval. The failure to accept social responsibility remains a distressing feature.

New trends in the profession are surveyed briefly for the scope of the subject covered, but nevertheless intelligently. The following topics are indicative, Uniform State Laws, Restatement of the Law, Law Revision Commission, Judicial Councils, Reform in the Courts, Administrative Commissions, Arbitration, Legal Service for the Poor, and Legal Service for Persons of Moderate Means.

The book creates a very favorable impression of understanding and sympathy. Gaps are as often caused by lack of material as by lack of the author's interest. To lawyers it is stimulating and helpful.

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#### CHECK LIST OF NEW LAW BOOKS\*

Bankruptcy Act—1939, Bender Pamphlet Edition of the. Edited by Editorial Staff. Matthew Bender, 1939. \$2.50

Bankruptcy Manual. By J. W. Moore. Matthew Bender. \$10.00

Bankruptcy Practice and Forms, Manual on. By Mein and Herzog. Banks-Baldwin. \$10.00

Canada: Criminal Code of Canada, 5th Edition. By F. L. Snow. Carswell, 1939. \$7.75

Income Tax Law of Canada. By H. A. W. Plaxton. Carswell, 1939. \$7.50

Christian Science, Legal Aspects of. Crandon Press, Chicago. \$1.00

Civil Aeronautics Act Annotated. By C. S. Rhyne. National Law Book, 1939. \$5.00

Corporation Manual, 40th Edition. Editor: J. S. Parker. United States Corporation Co., New York. \$20.00

Court over Constitution. By E. S. Corwin. Princeton University. \$2.50

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- England: Company Law, Questions and Answers on. By R. Millner. Sweet & Maxwell, 1939. 5s.
- Conveyancer, The. Volume 22 (Index of vols. 1-21). Sweet & Maxwell, 1939. £2.
- Conveyancing in a Nutshell, The Law Relating to. By M. Garsia. Sweet & Maxwell, 1939. 5s.
- Discoveries in the Statute-Book. By S. S. Fay. Sweet & Maxwell, 1939. 5s.
- Divorce and Matrimonial Causes, 12th Edition. By W. Latey. Carswell, agents, 1939. \$15.00
- English Law and the Constitution, The Principles of. By O. H. Phillips. Sweet & Maxwell, 1939. 21s.
- Legal Bibliography, Volume VI. Sweet & Maxwell, 1939. 7s.6d.
- Legal Bibliography, 2nd Cumulative Supplement. Sweet & Maxwell, 1939. 2s.6d.
- Makers of English Law, Some. By W. Holdsworth. Macmillan. \$3.75
- Unincorporated Associations, The Law Relating to. By D. Lloyd. Sweet & Maxwell, 1939. 21s.
- Federal Income Tax Laws, Legislative History of. By Seidman. Prentice-Hall. \$10.08
- Federal Procedure Forms, Cyclopedia of. By P. D. Edmunds. Callaghan, 1939. 4 vols. \$35.00
- Florida: Florida Common Law Pleading and Practice with Forms, Revised Edition. By J. M. Carson. Harrison. \$20.00
- Florida Chancery Jurisprudence and Practice, with Forms. By H. A. Kooman. Harrison. \$20.00
- Government Corporations and State Law. By R. G. Weintraub. Columbia University, 1939. \$2.75
- International Law of Pacific Coastal Fisheries. By J. W. Bingham. Stanford University. \$1.00
- Interstate Commerce Commission Law and Procedure, Cases and Materials on. By C. A. Miller. National Law Book, 1939. \$12.00
- Labor Law. By A. Rotwein and N. Rotwein. Harmon, 1939. \$3.00
- Legal Aspects of Money, The. By Mann. Phemister. \$7.00
- Mississippi: 1938 Supplement to Mississippi Code. Harrison. \$25.00
- New Jersey: New Jersey Borough Law. By R. B. Eckman. Soney & Sage. \$5.00
- Pleading and Practice in New Jersey. By G. S. Harris. Baker, Voorhis, 1939. \$15.00
- Realty Mortgages in New Jersey. By J. P. Lodge. Soney & Sage. \$15.00
- New York: Baldwin's New York Laws Service. Banks-Baldwin. \$12.00 per year.
- Ohio: Baldwin's Ohio Code Service. Banks-Baldwin. \$10.00 per year.
- Taxation, The Theory and Practice of Modern. By W. R. Green. C. C. H. \$3.50
- Texas: Handbook of Texas School Law, The. Edited by J. C. Hinsley. Steck, Austin. \$15.00
- Trusts. By A. W. Scott. Matthew Bender, 1939. 4 volumes. \$35.00

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Revised to March 10, 1939

<b>ALABAMA</b>			
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† Designated by statute as reporters. See 1937 Supp. to Gen. Stat. of Conn. Chap. 286, Sec. 835-d.

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*Advance parts		West Pub. Co.	99 (2d)
Federal Supp.		West Pub. Co.	101 (2d)
*Advance parts		West Pub. Co.	24
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